

# Bulletin

OF THE

## INTERNATIONAL LABOUR OFFICE

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[NOTE.—The German, French, and English editions of the *Bulletin* are referred to as G.B., F.B., and E.B., respectively.]

### National Labour Legislation

#### 1. LAWS AND ORDERS

##### 1. Argentine Republic

1. *Ley 10505 sobre el trabajo a domicilio, 8 de octubre de 1918* (*Boletín de la Unión Industrial Argentina* 1918, No 598, p. 30).

Act No. 10505 respecting Homework. Dated 8th October, 1918.

1. The provisions of this Act shall apply in the Federal Capital and the national territories, and shall affect all persons, without distinction of sex, who are employed customarily or by way of trade at home on account of another in manual work or service (*un trabajo o oficio manual*).

This Act shall not apply to domestic service.

2. Every proprietor, director or manager of an industrial or commercial concern who gives out work to be done in the worker's home, shall keep a register containing the forenames and surnames of the workers, their addresses, the quality and nature of the work given to them, and the remuneration which they are to receive.

The register shall be open to inspection by the Inspectors of the National Department of Labour, who may inspect it as often as they may consider necessary on suitable days and at suitable hours.

If the register is not kept in the prescribed manner, or if incorrect particulars are entered in it, each contravention shall be punishable by a fine of from 100 to 300 pesos.

3. As soon as a worker receives materials for the purposes of work in his home, he must be given a work-book in which the nature and quality of the work, the date on which it was given out, the remuneration to be paid to him, and the value of the materials supplied shall be entered.



After the finished work is returned, the date when it was returned, and the wage paid for it, shall be entered clearly in the work-book.

The conditions of payment in case the materials supplied to the worker are lost or damaged shall be entered in the work-book; the name and address of any guarantors shall also be entered in it.

4. The proprietors, directors or managers of commercial or industrial undertakings may impose fines upon the workers for defective work; damage to materials shall be held to be defective work.

No fine shall exceed one-sixth of the wages reckoned by the day.

5. Rooms in which only members of a family are employed under the control of one member of the family shall not be subject to inspection, if they fulfil the following conditions:—

(1) The work must not be carried on with the use of a steam boiler;

(2) The trade carried on must not be included amongst those held to be dangerous or unhealthy.

6. Inspectors shall have no right of entry to domestic workshops (*talleres de familia*) unless they have well-founded information to the effect that either of the conditions laid down in the preceding section are not observed therein.

7. If the Inspectors ascertain that a steam boiler is being used in a domestic workshop or that the trade carried on there is dangerous or unhealthy, they shall impose a fine of from 50 to 100 pesos on the chief of the workshop and order the prescribed regulations for health and safety applying to factories and workshops to be observed under penalty of the closing of the workshop if these regulations are not put into operation within a fixed term.

8. It shall be absolutely prohibited to manufacture, repair, adorn, clean, make up, or prepare in any other way, footwear, hats, clothing, textile substances, or flowers, or to prepare or pack articles of consumption, in a house in which a person is suffering from an infectious or contagious disease or in a living room used by a person suffering from tuberculosis.

9. The proprietor or manager of any business who takes back any goods which have been made or worked in a building under the conditions named in the preceding section shall be punishable by a fine of 200 pesos if he is proved to have had knowledge of the case of illness.

10. The persons in charge or principal tenants of houses occupied by homeworkers shall be bound to notify the Health Authorities of cases of infectious or contagious diseases which occur in them and shall be punishable by a fine of 200 pesos if they fail to give such notice. The Inspectors shall then prohibit homework in such houses, and shall remove the goods named in Section 8, and if they consider it necessary order their disinfection.



11. Medical men who treat a person suffering from tuberculosis in a living room in which they observe that any work named in Section 8 is carried on, shall immediately notify the same to the principal tenant and to the competent authority as in the case of a notifiable disease.

12. Work shall not be resumed in a building in which there has been a case of infectious or contagious disease or in which a person suffering from tuberculosis has lived, until the sick person has been cured or removed and the living room in which he was treated has been properly disinfected by the competent authority.

13. The National Department of Labour shall appoint wages boards in the communes for every trade in which homeworkers are employed, whenever requested in writing so to do by at least 50 workers in any branch or trade. These boards shall have the duty of fixing minimum hourly rates or piece rates of wages adjusted to the national laws respecting maximum hours of labour.

14. The wages boards shall consist of an equal number of representatives of employers and workers in the trades concerned of either sex and of full age.

The number of members of each wages board shall be fixed according to circumstances by the National Department of Labour.

The representatives of the employers and workers shall be appointed by the parties they represent in a manner to be regulated in regulations to be made under this Act.

If the representatives are not appointed within the fixed time limit they shall be nominated by the executive authorities officially on the proposal of the National Department of Labour.

The President of the wages board shall be a person not belonging to the board and nominated by the executive authority on the proposal of the National Department of Labour.

15. The term of office of wages boards shall be two years; the members may be re-elected indefinitely.

The boards shall be competent to act if an absolute majority of their members is present; notwithstanding there must always be at least two workers' representatives present, if their number is more than two.

The board shall meet in the Council Chamber of the Municipal Authority on being convened by the President whenever necessary, or when one-third of the members so demand.

16. The wages boards shall express an opinion on every demand for the fixing of a minimum wage relating to homework in the trades subject to their jurisdiction. A demand may be made by any member of the boards, by the labour inspectors, or by ten workers concerned.

Decisions shall be pronounced by a simple majority of the votes of those present; in case of an equality of votes, the President shall have the casting vote.



17. In fixing a minimum wage the wages boards shall take the following points into consideration :—

- (1) The nature of the work ;
- (2) The price of the finished article current in the locality ;
- (3) The funds necessary for the maintenance of the worker ;
- (4) The minimum wage received by workers in factories and workshops in the district of the Federal Capital or the national territory producing the same or a similar article ;
- (5) Local customs and rents, and the prices of the most necessary articles of food in the district or the town in which the industry or business is carried on ;
- (6) The value of the accessories or tools which the worker needs in carrying out the work.

18. The minimum wages fixed by the board shall be paid in their entirety to the worker without any deduction for the remuneration of contractors or sub-contractors.

19. The decisions of the boards shall be published in the manner determined by the National Department of Labour. The scale of wages shall be posted up in the buildings in which the raw materials are given out to the workers and the finished goods are returned by them. Every employer or owner of an industrial or commercial undertaking who fails to fulfil these requirements shall be punished by a fine of from 100 to 300 pesos. The minimum wage shall come into force 15 days from the publication of the decision.

20. Every employer who has paid a lower wage than that fixed as the minimum for any work shall be punished by a fine of 300 pesos. The same fine shall be applicable to all other contraventions of this Act for which no special penalty is imposed.

21. Every worker who has been paid a lower wage than that fixed by the board may, regardless of any agreement to the contrary, demand from the employer the balance of his wages without prejudice to any claim for damages or interest.

The right to make a claim shall expire on the conclusion of one year computed in the case of every payment from the day on which it was effected.

22. The inspectors, the wages boards, the National Department of Labour, and the judicial authorities shall exercise special vigilance in regard to the payment of wages according to scale and shall see, in particular, that they are paid in cash.

23. The Justices of the Peace of the respective localities shall have jurisdiction in the settlement of the disputes arising in the application of this Act as regards payment of the wages fixed by the wages boards where the amount claimed does not exceed 500 pesos, and the Civil Judges in the case of higher amounts. Appeal from the decisions of the Justices of the Peace shall lie to the Civil Judges ; appeal from the decisions of the Civil Judges in cases falling within their jurisdiction shall lie to the



Courts of Appeal. Judgments shall be concise and pronounced in public court.

24. In the case of proceedings in which employers and workers appear before the authorities as applicants, plaintiffs or defendants as regards rights recognised by this Act, no stamp duties or other dues, fees, or charges of any kind shall be payable for services which the officials concerned have to perform directly or indirectly. Every official who contravenes this rule shall be condemned to pay a fine amounting to ten times the amount of the fee charged.

25. Fines imposed for contraventions of this Act shall be paid over to the National Education Council.

26. The executive authorities shall issue regulations for the carrying out of this Act.

27. This Act shall be notified to the executive authorities.

2. *Decreto reglamentando la ley sobre el trabajo a domicilio, 30 de diciembre de 1918. (Boletín de la Unión Industrial Argentina 1919, No. 601, p. 16.)*

**Decree respecting Administrative Regulations under the Homework Act. Dated 30th December, 1918.**

1. The Act No. 10505 shall be enforced in the Federal Capital in accordance with the provisions of the present administrative decree; the National Department of Labour shall have the duty of carrying out the Act.

### *Definitions.*

2. "Homework," within the meaning of the Act, shall be any kind of industrial transformation (transformación) which is carried on customarily or by way of trade by the worker in the place which constitutes his dwelling place, provided that it is effected wholly or partially on the account and by the orders of an employer.

3. Persons engaged in work of this kind shall be called "homeworkers" (trabajadores a domicilio) without distinction of sex or age; persons performing domestic service or working in their dwellings on their own account shall not be included under the definition of "homeworker."

4. "Domestic workshop" (taller de familia) shall mean an undertaking consisting of homeworkers belonging to the family of the occupier or his wife, provided that they live in the same house.

5. "Employers" (patrones) shall mean manufacturers, commercial dealers, middlemen, contractors, sub-contractors, etc., who give out or contract out homework, whether or not they supply the materials and accessories and whether the wage is paid by the piece or the job or in any other form.



*Registers.*

6. Every employer shall be bound to keep a register of homeworkers which shall be attested and stamped by the National Department of Labour and in which shall be entered the forenames and surnames of the workers, their addresses, the quality and nature of the work given out to them, and the remuneration which they are to receive.

7. Every homemaker must possess a work-book provided by the employer and containing the entries prescribed in Section 3 of the Act. The book shall only be valid if it bears the stamp of the National Department of Labour.

8. For the purpose of supervision over the observance of the preceding provisions the National Department of Labour shall keep a register of persons employing homeworkers (*registro patronal de trabajo a domicilio*), in which every employer who employs homeworkers under the said conditions shall see that he is enrolled. The time limit for enrolment shall be one month from the date of the publication of this Decree or thereafter from the date when any new employer starts business.

*Health and Safety.*

9. In domestic workshops no steam boilers shall be used or industries carried on which are classified as dangerous or unhealthy, unless the undertaking is under official supervision and subject to the health and safety regulations prescribed for factories and workshops.

10. It shall be absolutely prohibited to manufacture, repair, adorn, clean, make up or prepare in any other way footwear, hats, clothing, textile substances or flowers, or to prepare or pack articles of consumption in a house in which a person is suffering from an infectious or contagious disease or in a living room which is or has been used by a person suffering from tuberculosis.

11. The persons in charge or principal tenants of houses occupied by homeworkers shall be bound to notify the inspectors of the National Department of Labour of cases of infectious or contagious disease which occur therein. The following infectious or contagious diseases shall be thus notifiable: tuberculosis, anthrax, typhoid, leprosy, itch, measles, smallpox, scarlet fever, diphtheria, trachoma.

The National Department of Labour shall inform the National Department of Health on the same day of the notification. If the notice appears to be in conformity with the facts, work in the dwelling concerned shall be prohibited until further order, which shall only be given in pursuance of a report of the last-named official body.

12. The compulsory notification of tuberculosis imposed upon medical men treating such cases in a homemaker's dwelling-place under Section 11 of the Act, shall be made to the National



Department of Labour in person or by registered letter. The notification so received shall be dealt with in accordance with the procedure laid down in Section 11 of this Order.

13. Neighbours or sufficiently informed persons may also personally notify the National Department of cases of infectious or contagious diseases amongst homeworkers. Such notifications shall be given due consideration ; if requested, the name of the person giving notice shall be kept secret.

### *Wages Boards.*

14. The wages boards named in Section 13 of the Act shall be established on the written petition of homeworkers or of employers giving out homework, by the National Department of Labour ; for this purpose the number of the former must amount to at least 50 and of the latter at least 3. The inspectors shall ascertain whether the applicants are of age. The President of the Department shall determine in each case the number of workers' and employers' representatives to serve on each board. The two parties must be equally represented.

15. The inspectors shall keep a register of workers' and employers' associations. At the verbal request of their secretaries every organisation of workers or employers who perform or give out homework shall be entered in the said register. It shall not be necessary for this purpose that the organisation shall be a legal corporation, nor need all its members be workers or employers in an industry carried on by homework. It shall suffice if the organisation includes persons engaged in this branch of work.

16. The members of the wages boards shall be elected by the members of the workers' and employers' organisations of the trade or branch of industry concerned which are entered in the register of associations. If there is more than one organisation of the same kind the representatives shall be nominated *pro rata*.

17. If there are no registered organisations the President of the National Department of Labour shall propose to the executive authority for nomination workers' and employers' representatives taken from amongst those persons who signed the petition named in Section 14 of the present Decree. The executive authority, on the proposal of the same Department, shall also nominate the Presidents of the wages boards, who shall be persons who do not belong to the boards.

18. Every wages board shall be autonomous in its internal operations. Nevertheless, they shall observe the following principles :—

- (a) The President may take part in all debates, but may only vote in case of an equality of votes ;
- (b) All other members shall have the right to vote and shall possess the same rights and duties ;



- (c) The member appointed Secretary may take part in all proceedings and votes ;
- (d) Minutes shall be kept of all proceedings and resolutions ;
- (e) The sittings shall only be held if at least half the members are present ;
- (f) Even if an absolute majority is present at any sitting, no sitting shall be valid at which at least two workers' representatives are not present.

19. The President shall convene the board to meet either in the Council Chamber of the Municipal Council (Concejo Deliberante Municipal) or in the National Department of Labour. The wages board may meet :—

- (a) On being convened by the President ;
- (b) On the demand of one-third of the members addressed to the President ; and
- (c) On the demand of the President of the National Department of Labour.

20. The President of the wages board may require the President of the National Department of Labour to supply all possible data and information which he may deem necessary for the better exercise of his functions.

#### *Minimum Rates of Wages.*

21. The wages boards shall fix scales of wages in pursuance of Sections 16 and 17 of Act No. 10505.

22. Every scale of minimum rates of wages must, in order to be valid, contain the following particulars :—

- (a) The date of its adoption by the wages board ;
- (b) Its term of duration, which must not exceed one year ;
- (c) A detailed specification showing the minimum rate of wages corresponding to every operation or job ;
- (d) The signature of the President and of the members present at the sitting at which the scale was adopted.

23. After the scale of wages is adopted by the wages board the President shall communicate it by note to the President of the National Department of Labour ; the latter shall arrange for the publication of the scale in the Official Bulletin (Boletín Oficial) and shall see at the same time that it is published as widely as possible through other channels. Fifteen days after publication of the scale in the Official Bulletin, the minimum rates of wages established by it shall be binding for every employer in the class of industry to which it relates. Within the same term of 15 days the scale shall be posted up in a conspicuous place in the rooms in which the work is given out and the wages are paid.

24. The rates of wages named in the scale shall be considered simply as minimum rates ; and a lower remuneration shall not be



paid for any reason or under any pretext. In consequence, the establishment of average or maximum scales of wages shall not be precluded, but the latter shall not be binding. The rates must be uniform ; in case of dispute over the interpretation of one or more items of the scale the opinions of the board which issued the scale must be heard.

25. In every new scale it shall be expressly stated that it revokes all earlier scales. A scale of wages shall remain in force after the conclusion of its term of operation until a new scale is fixed. Scales of wages shall be designated by the date of their adoption by the wages board. The Inspectors of the National Department of Labour shall file all official homework scales in a special book ; they shall give the judicial authorities and other persons concerned attested evidence as regards the scales.

### *Inspection.*

26. Inspection shall only be carried out in the dwellings of employers and workers on suitable days and hours.

27. The rooms of homeworkers who work for themselves alone shall not be subject to inspection. The same shall apply to rooms in which the members of a family are engaged on homework except in cases where a steam boiler is used for the work or where the industry carried on is classified as dangerous or unhealthy.

28. If the Inspectors of the National Department of Labour learn that a steam boiler is being used clandestinely in a domestic workshop or a dangerous or unhealthy industry being carried on, they shall proceed to investigate the contravention of the Act and to apply the provisions of Section 7 of the Act.

29. It shall be the duty of the Inspectors of Labour :—

- (1) To ascertain whether the employers are entered in the register of persons employing homeworkers named in Section 8 of the present Decree ;
- (2) To ascertain whether the employers keep in proper form the register of homeworkers named in Section 6 of the present Decree ;
- (3) To ascertain whether the workers possess the work-books named in Section 7 of the present Decree ;
- (4) To ascertain whether the scale of wages is posted up conspicuously in the rooms concerned ;
- (5) To ascertain as far as possible whether the wages paid are in accordance with the said scale of wages ;
- (6) To investigate complaints made by persons concerned and to verify their truth by investigation of the facts notified ;
- (7) To undertake the inspection of houses referred to in Sections 27 and 28 of the Decree.



30. It shall be the duty of the Department of Inspection :—

- (1) To organise the service of inspection with a view to the better observance of this Act ;
- (2) To draw up models for forms, books, registers, etc. ;
- (3) To register all scales of wages ;
- (4) To issue a detailed annual report on everything relating to the enforcement of the Act, the results of its application and the improvements which should be introduced into the Act or the present Decree.

31. It shall be the duty of the Statistical Department to collect and classify material with a view to supplying statistical information as regards homework in the Federal Capital.

32. It shall be the duty of the chiefs of the National Department of Labour :—

- (1) To intervene in disputes arising between employers and homeworkers either by offering their intervention with a view to preventing conflicts or by attempting to bring about a settlement between the parties, or by proposing arbitration or acting themselves directly as arbitrators if the parties to the dispute so desire ;
- (2) To seek the assistance of the Health Authorities to improve the hygienic conditions of rooms in which homework is carried on ;
- (3) To act as a link between the wages boards and the National Department of Labour.

#### *Penalties.*

33. In pursuance of Section 20, paragraph 2, of the Act, the penalty there prescribed shall be imposed in the following cases :—

- (1) If homework is given to a worker who possesses no work-book, or whose work-book is not in accordance with the requirements of this Decree ;
- (2) If the work-books do not contain the particulars stated in Section 3 of the Act or contain them in an incorrect form ;
- (3) If employers giving out homework are not entered in the register of employers prescribed in Section 8 of this Decree.

34. The rules of procedure laid down in Act No. 9659 shall apply to the application of the penalties prescribed in Act No. 10505.



## II. Austria.

I. *Vollzugsanweisung des D.-ö. Staatsrates betreffend die Errichtung von Einigungsämtern. Vom 4 November 1918. (Amtliche Nachrichten des Deutschösterreichischen Staatsamtes für Soziale Fürsorge S. 6.)*

**Administrative Instructions of the State Council of German-Austria respecting the Establishment of Conciliation Boards. Dated 4th November, 1918.**

1. The Complaints Committees set up by the Imperial Order of 18th March, 1917 (R.G.Bl. No. 122) shall undertake the duties of Conciliation Boards. Their functions shall extend to those districts and groups of trades for which they are established and to all disputes arising from conditions of labour between several workers or employees and their employers. The term "workers" shall include industrial workers (Section 73 of the Industrial Code), persons employed in the undertakings of the State Monopoly Administration, in mines, in railway and steamshipping undertakings, and in establishments producing periodical printed matter, and home-workers. The term "employee" shall mean the persons coming under the Act of 16th January, 1910 (R.G.Bl. No. 20) (Commercial Assistants' Act\*).

2. The Conciliation Boards shall consist of:—

- (1) A Judge appointed by the Secretary of State for Justice who shall act as a President.
- (2) A member nominated by the Secretary of State concerned.
- (3) A representative of the employers.
- (4) A representative of the workers.

The members named under 3 and 4 shall be appointed by the competent Secretary of State. A sufficient number of substitutes shall be appointed, according to need, for the President and the other members of the Conciliation Boards.

The functions named in Section 1 shall be exercised until further notice by the members for the time being of the Complaints Committees.

3. The Secretary of State for Social Welfare may, by Order, subdivide existing Conciliation Boards and establish new Conciliation Boards for particular groups of trades, and define their spheres of operation.

4. Supervision over the Conciliation Boards shall be exercised by the Industrial Commission established in the State Department of Social Welfare; this Commission shall see in particular that the work of the Conciliation Boards is carried on in a uniform manner.

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\* English translation in the "Bulletin of the International Labour Office," Vol. v, p. 202,

5. The Conciliation Boards shall have power to act and adopt resolutions when all the members are present. In case of an equality of votes the President shall have the casting vote.

6. If an application for the settlement of a dispute of the kind named in Section 1 is made by one of the parties to the dispute or by an authority, or if the President has grounds for intervening officially, he shall attempt to bring about a settlement. Should he fail, he shall institute conciliation proceedings, to which he may invite, in addition to the parties, any other persons whose participation seems likely to promote a settlement. The proceedings shall take place in private. Each of the parties may appear at the proceedings accompanied by authorised representatives or may be represented by authorised persons. Representation shall be compulsory if the parties consist of several persons. The Commission shall decide as regards the number of representatives and their authority.

If one of the parties refuses to take part in the proceedings, or if he remains away without excuse, the proceedings shall be carried through in his absence. If the conciliation proceedings fail the Conciliation Board shall issue an arbitration award, which shall be notified to the parties with a request that they will declare within a term of 14 days whether they submit to the award or not.

7. The Conciliation Boards may, according to need, set up local branches for particular districts to carry on the work of official conciliation; these branches shall consist of the President or one of his substitutes and one representative each of the employers and workers. The provisions of Sections 5 and 6 shall apply also to the local branches.

The President of the local branch shall have the right to suspend the issuing of an arbitration award and to submit the matter to the Conciliation Board.

8. The regulations for Complaints Committees as regards the keeping of registers, and the granting of travelling expenses, allowances and daily grants to the members of the Committees, shall apply also to Conciliation Boards.

Personal and material expenses shall be borne by the State.

9. This Order shall come into force on the day of its notification.

*2. Vollzugsanweisung des D.-ö. Staatsrates, St. G. Bl. Nr. 21 betreffend die Regelung der Sonn- und Feiertagsruhe im Gewerbebetriebe. Vom 12 November 1918. (Staatsgesetzblatt, 4 Stück v. 19 Nov. 1918. Amtliche Nachrichten S. 7.)*

**Administrative Instructions of the State Council of German-Austria respecting the Regulation of Sunday Rest and Holidays. Dated 12th November, 1918.**

1. The provisions of the Acts of 16th January, 1895, R.G.Bl. No. 21, respecting Sunday and holiday rest in industrial undertakings, and of 18th July, 1905, R.G.Bl. No. 125, partially



amending and supplementing the said Act, shall come again into operation. All Ministerial Orders and Orders of the provincial authorities issued in pursuance of the said Acts shall hereby come again into operation.

2. These administrative instructions shall come into force on 15th November, 1918.

3. Gesetz, St. G. Bl. Nr. 44, betreffend die Ermächtigung zur Regelung der Sozialversicherung im zwischenstaatlichen Verkehre. Vom 25 Januar 1912. (Staatsgesetzblatt, 18 Stück vom 30 Jan. 1919. Amtliche Nachrichten S. 79.)

Act respecting power to regulate social insurance in interstate traffic. Dated 25th January, 1919.

4. Erlass des D.-ö. Staatsamtes für soziale Fürsorge Z. 3258, betreffend die zwischenstaatliche Regelung der Sozialversicherung. Vom 6 Februar 1919. (Amtliche Nachrichten S. 80.)

Decree of the State Department for Social Welfare of German Austria, respecting the interstate regulation of social insurance. Dated 6th February, 1919.

5. Gesetz, St. G. Bl. Nr. 86, betreffend Massnahmen auf dem Gebiete der Krankenversicherung der Arbeiter. Vom 6 Februar 1919. (Staatsgesetzblatt, 27 Stück v. 11 Febr. 1919. Amtliche Nachrichten S. 82.)

Act respecting measures in the matter of the sickness insurance of workers. Dated 6th February, 1919.

6. Vollzugsanweisung des D.-ö. Staatsamtes für soziale Fürsorge, zum Gesetze vom 19 Dez. 1918, St. G. Bl. Nr. 138, über die Einführung des achtstündigen Arbeitstages in fabrikmässig betriebenen Gewerbeunternehmungen. Vom 12 Februar 1919. (Staatsgesetzblatt, 35 Stück v. 18 Febr. 1919. Amtliche Nachrichten S. 126.)

Administrative Instructions of the State Department for Social Welfare of German-Austria, in pursuance of the Act of 19th December, 1918,\* respecting the introduction of the eight-hour day in industrial undertakings carried on as factories. Dated 12th February, 1919.

## I.

The following exceptions to the provisions of the Act of 19th December, 1918 (St. G. Bl. No. 138) respecting the introduction of the eight-hour day in industrial undertakings carried on as factories, shall be allowed in pursuance of Section 6 of the said Act :—

1. The provisions of Section 2 of the Act shall not apply in any industrial undertaking carried on as a factory in which the work of women and young persons is connected with that

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\* English translation in the "Bulletin of the International Labour Office," vol. XIII, p. 10.

of men in such a way that observance of Section 2 of the Act would either cause a reduction in the hours of work of the male workers, or put the employment of women and young persons altogether in question.

2. The provisions of Section 1 of the Act shall not apply to the hours of work of doorkeepers, porters, fire and night watchmen and other persons employed in watching the buildings and premises. If their hours of work exceed 8 in 24 hours, this extra work shall be paid for as overtime within the meaning of Section 8 of the Act.

3. The hours of work of coachmen, drivers, chauffeurs, persons employed on industrial railways and other persons employed in controlling and tending means of transport, may be arranged in such a way that they shall not exceed 96 hours of actual work within two weeks. These hours of work may be exceeded by 16 hours of overtime within two working weeks without notifying the industrial authority.

4. In continuous industries, for the purpose of effecting the alternation of shifts, the hours of work of industrial workers may be arranged in such a way that they shall not exceed 168 hours within three working weeks.

5. In the continuous processes of the sugar industry, the manufacture of malt, oxygen and industrial gas, paper, cellulose, pasteboard and wood-pulp, and the ceramic industry (ovenmen), the hours of work of industrial workers may amount to 12 hours in 24, unless a shorter period of employment is provided for by contract between the employer and the workers.

This exception shall be allowed in respect of the continuous processes of the chemical industry until 28th February, 1919.

6. In glass factories the hours of work of industrial workers may be arranged in such a way that they shall not exceed 54 hours in a working week. The hours of work of smelters and smelters' assistants (Schmelzergehilfen und Einleger) shall be determined by the duration of the smelting process.

7. In the brewing houses of breweries, and in spirit and compressed yeast factories, even if the process is not continuous, the hours of work of industrial workers may be arranged in such a way that they shall not exceed 96 hours in two working weeks.

8. In factories for the manufacture of cardboard articles for pharmaceutical purposes, industrial workers may be employed on overtime not exceeding 10 hours in a working week.

## II.

These administrative instructions shall come into force on the day of their publication.



7. *Vollzugsanweisung des Staatsamtes für Justiz, St. G. Bl. Nr. 20; über die Beschränkung der Kündigung bestimmter Dienstverhältnisse. Vom 13 Januar 1919. (Staatsgesetzblatt, 8 Stück v. 14 Januar 1919. Amtliche Nachrichten S. 84.)*

**Administrative instructions of the State Department of Justice respecting restrictions on the giving of notice to terminate certain conditions of service. Dated 13th January, 1919.**

8. *Gesetz St. G. Bl. Nr. 38 womit Bestimmungen des Gesetzes vom 27 November 1896, St. G. Bl. Nr. 218, betreffend die Gewerbeberichte, abgeändert werden. Vom 24 Januar 1919. (Staatsgesetzblatt, 18 Stück. v. 30 Januar 1919. Amtliche Nachrichten S. 85.)*

**Act to amend certain provisions of the Act of 27th November, 1896, respecting industrial courts. Dated 24th January, 1919.**

9. *Gesetz St. G. Bl. Nr. 42, über die Aufhebung der Arbeitsbücher und über die ungerechtfertigte Lösung des Arbeitsverhältnisses durch den Arbeiter. Vom 25 Januar 1919. (Staatsgesetzblatt, 18 Stück v. 30 Januar 1919. Amtliche Nachrichten S. 85.)*

**Act respecting the Abolition of Work Books and the Unlawful Dissolution of a Contract of Work by the Worker. Dated 25th January, 1919.**

I. The following provisions are hereby repealed :—

- (a) In Part VI of the Industrial Code (in the amended form published in the notification of the Austrian Minister of Commerce in agreement with the Austrian Minister of the Interior, dated 16th August, 1907; R. G. Bl. 199), Sections 79, 80, 80a up to 80i inclusive, 81, and 99, paragraph 4.
- (b) Sections 26, 27 and 28 of the Act of 28th July, 1902 (R. G. Bl. No. 156), respecting the regulation of conditions of work of persons employed under public contracts in connection with railways and subsidiary undertakings.
- (c) In the general Mining Act of 23rd May, 1854 (R. G. Bl. No. 146), paragraph 2 of Section 208 and paragraph 2 of Section 248 as amended by the Act of 3rd May, 1896 (R. G. Bl. No. 75).

II. (1) Section 79 of the Industrial Code shall be replaced by the following :—

At the request of a worker, the communal authority of his place of residence shall be bound to provide him, on the production of suitable evidence, with a document to attest his capacity as an industrial worker, which shall be issued free of stamp duty, at a charge to cover the cost of issue.

(2) More detailed provisions respecting the form and contents of this document and the conditions under which it shall be

issued, shall be drawn up by the State Department of Social Welfare in agreement with the State Department of Industry and Commerce and the State Department of the Interior.

III. (1) Section 85 of the Industrial Code (in the form referred to in Section I) is hereby repealed.

(2) Section 86 of the Industrial Code shall be replaced by the following :—

If a worker dissolves his contract of work prematurely without legally valid grounds (Sections 82 and 101), the liability to pay damages which rests upon the worker under Section 1162a of the General Civil Code shall rest likewise upon an employer who induces him to break his contract or who knowingly takes him into his employment or engages him for work before the legal termination of the previous contract of work.

IV. This Act shall come into force on the 15th day after its notification. The State Department of Social Welfare, in agreement with the other State Departments concerned, is entrusted with its execution.

10. *Vollzugsanweisung des Staatsamtes für soziale Fürsorge, St. G. Bl. Nr. 163, betreffend das Verbot der Nacharbeit in den Gewerbebetrieben der Fleischhauer, Pferdefleischhauer, Fleischselcher und Wursterzeuger. Vom 28 Februar, 1919. (Staatsgesetzblatt, 50 Stück v. 11 März, 1919. Amtliche Nachrichten S. 187.)*

**Administrative instructions of the State Department for Social Welfare, respecting the prohibition of night work in slaughterhouses, knackers' yards, and meat-smoking and sausage-making undertakings. Dated 28th February, 1919.**

11. *Gesetz St. G. Bl. Nr. 181, über die Vorbereitung der Sozialisierung. Vom 14 März, 1919. (Staatsgesetzblatt, 56 Stück v. 15 März, 1919. Amtliche Nachrichten S. 191.)*

**Act respecting Measures Preparatory to Socialisation. Dated 14th March, 1919.**

1. (1) In the public interest suitable economic undertakings may be taken over by the State, the Provinces or Communes, either to be administered direct or to be subject to the administration of public corporations (öffentlich-rechtliche Körperschaften).

(2) This right shall be exercised in pursuance of special expropriation, land reform, and settlement laws.

2. Suitable economic undertakings may by law be united in co-operative associations of a public nature, under the supervision of the State or of other public corporations.

3. The representation of employees and workers in the administration of economic undertakings in which they are employed shall be guaranteed by a special Act.



4. A State Commission on Socialisation shall be appointed to prepare the laws contemplated in Sections 1, 2 and 3. The Governing Body of the Socialisation Commission shall consist of the President, the Vice-President and three members. It shall be appointed by the National Assembly on the proposition of the Principal Committee. The President shall have the rights and responsibilities of a Secretary of State (Section 13, paragraph 2 of the Act respecting the State Government).

5. The Governing Body shall appoint as members of the Socialisation Commission for one year representatives of the State Departments concerned, public corporations, and experts representing workers, employees and employers, as well as other technical experts.

6. (1) The President of the Socialisation Commission shall have the right himself or through representatives to undertake the investigations necessary in preparation for the work allotted to it, and for this purpose to engage investigators to inspect economic undertakings, examine their books and business records, and to procure from them all information concerning the undertaking.

(2) At the request of the President these investigations shall be undertaken by the competent State Departments.

7. Any person who refuses to give information requested, who obstructs access to undertakings, or prevents the inspection of books and business records, or who fails to produce documents required, or who produces false documents, shall be punished for the contravention by a fine not exceeding 20,000 K. and by imprisonment for a term not exceeding three months.

8. Official secrecy shall be strictly observed in carrying out the investigations contemplated in Section 6. The officials and other persons taking part in the investigations, as well as members of the Socialisation Commission shall, if they publish without authority particulars of the conditions of an undertaking with which they have become acquainted in this way, or of the negotiations arising therefrom, be punished for the contravention by imprisonment for a term not exceeding two months or by a fine not exceeding 20,000 K.

9. (1) Provision shall be made in the State Budget for the personal and material requirements of the Office of the Socialisation Commission.

(2) The remuneration for work done by the members of the Socialisation Commission and other experts engaged for such work, shall be fixed by the Governing Body.

10. (1) This Act shall come into force on the day of its notification.

(2) The Chancellor of State is entrusted with the administration of this Act.

12. *Erlass des D.-ö. Staatsamtes für Soziale Verwaltung Z. 8701, betreffend die Heranziehung der Organisationen für Kinderschutz und Jugendfürsorge zur Durchführung des Kinderarbeitsgesetzes. Vom 29 März 1919. (Amtliche Nachrichten, S. 230.)*

**Decree of the State Department for Social Administration, respecting the co-operation of organisations for the protection of children and the care of the young in the administration of the Child Labour Act. Dated 29th March, 1919.**

13. *Vollzugsanweisung des Staatsamtes für Justiz, St. G. Bl. Nr. 197, über die Beschränkung der Kündigung bestimmter Dienstverhältnisse. Vom 27 März 1919. (Staatsgesetzblatt, 64 Stück v. 29 März 1919. Amtliche Nachrichten S. 231.)*

**Administrative instructions of the State Department for Justice, respecting restrictions on the giving of notice to terminate certain conditions of service. Dated 27th March, 1919.**

14. *Gesetz St. G. Bl. Nr. 217 über die Regelung der Arbeit in den Betrieben zur Erzeugung von Backwaren (Bäckereiarbeitergesetz). Vom 3 April 1919. (Staatsgesetzblatt, 71 Stück, v. 10 April 1919. Amtliche Nachrichten S. 232.)*

**Act respecting the Regulation of Work in Bakeries (Bakeries Act). Dated 3rd April, 1919.**

1. (1) In bakeries in which bread, etc., is made, either for sale or for consumption on the premises, the working time of workers employed in making bread, cakes, etc., shall not exceed eight hours in 24, exclusive of periods of rest. This shall apply to all concerns, whether they are subject to the Industrial Code or not.

(2) This Act shall apply to the making of all kinds of bread, cakes, etc., including confectionery.

2 During the working hours workers shall be granted suitable intervals for rest totalling not less than half an hour.

3. (1) On immediate notification to the industrial authorities of first instance, the working time may be extended if an unforeseen interruption or suspension of work justifies this course, or if it is necessary in order to obviate the deterioration of raw materials.

(2) If, owing to other exceptional circumstances, an increased need of labour arises, the working time may be extended up to 10 hours, exclusive of intervals for rest, on not more than 20 days in a calendar year, on immediate notification to the industrial authorities of first instance.

4. (1) In concerns such as those mentioned in Section 1, it shall be unlawful to work at night, that is, during the hours from 9 p.m. to 5 a.m., in the making of bread, cakes, etc.

(2) Similarly, Sunday work, that is during the hours from 9 p.m. on Saturday to 5 a.m. on Monday, is forbidden.



(3) The Provisional Government may, in consideration of special circumstances, rearrange the times for the cessation of work during the night without reducing its extent.

5. (1) The industrial authorities of first instance may, in the cases mentioned in Section 3 (1) grant exemptions, on application, from the prohibition of night work on not more than 10 days in a calendar year, and from the prohibition of Sunday work up to 10 a.m. on not more than five Sundays in a calendar year.

(2) For the hours worked on Sunday the workers shall be granted corresponding compensatory hours of rest during the following week.

6. (1) The Provincial Government may suspend the prohibition of night and Sunday work :—

(a) On the occasion of Feast days (Christmas, Easter, Whitsun, and the festival of the National Saint).

(b) For special districts after hearing the competent guilds, workers' committees and trade organisations, if local arrangements occasion increased need of bread, etc., as a result of an influx of visitors.

(2) The hours of work shall, in the cases mentioned in (1), not exceed 10 hours in 24, exclusive of rest times.

7. The remuneration for night and Sunday work and for hours in excess of eight hours (overtime) shall be at least 50 per cent. higher than that paid by agreement for normal work of a similar duration.

8. In this Act "workers" shall mean all workers who are employed in concerns, such as those mentioned in Section 1, in the production of bread, cakes, etc. This shall apply even if the workers are also employed on other work.

9. (1) It shall not be lawful to take an apprentice in a bakery unless he is proved by an official medical certificate to be physically fit for the work and healthy. If this rule is not observed in concluding a contract of apprenticeship the industrial authority of first instance may dissolve the contract if the certificate is not afterwards procured.

(2) More detailed provisions respecting the official medical examinations and the certificates shall be issued by Order.

10. An employer who employs no workers or only one shall not take more than one apprentice.

11. No apprentice under the age of 18 shall be employed in selling bread, cakes, etc., from house to house.

12. Contraventions of this Act shall be punished in accordance with the provisions of the Industrial Code.

13. In so far as the provisions of this Act afford workers a greater measure of protection, the provisions of Sections 74a, 95 and 96a of the Industrial Code, and Sections II, VI and VII of the Act respecting the regulation of Sunday and holiday

rest in industrial concerns, of January 16th, 1895 (R.G. Bl. No. 21) as amended by the Act of July 18th, 1905 (R.G. Bl. No. 125) shall not apply.

14. During the first two years that this Act is in operation the State Department for Social Administration may, after hearing the competent guilds, workers' committees and trade organisations, allow exceptions to the provisions of Sections 1 and 4, granting wider limits of hours when important public interests, in particular the provision of sufficient supplies of bread, etc., for the population, require such action.

15. (1) This Act shall come into force four weeks after its promulgation.

(2) The State Department for Social Administration, in agreement with the other State Departments concerned, is charged with the carrying out of this Act.

15. Gesetz St. G. Bl. Nr. 245, über die staatliche Entschädigung der Kriegsinvaliden, -witwen und -weisen (Invalidenentschädigungsgesetz). Vom 25 April 1919. (Staatsgesetzblatt, 85 Stück v. 27 April 1919. Amtliche Nachrichten S. 259.)

Act respecting State compensation for persons disabled in the war, and for war widows and orphans. (Disablement Compensation Act.) Dated 25th April, 1919.

### III. Belgium.

1. Arrêté royal : Etablissements classés comme dangereux, insalubres ou incommodes. Théâtres, cirques, rinkings, vélodromes et salles de spectacle en général. 21 janvier 1914. (Revue du Travail XIX, 182.)

Royal Order : establishments classed as dangerous, unhealthy or noxious—theatres, circuses, rinks, velodromes and show places in general. Dated 21st January, 1914.

2. Arrêté royal réglementant l'exploitation des théâtres, cirques, rinkings, vélodromes et salles de spectacles en général, ainsi que l'emploi des appareils servant à produire des projections cinématographiques dans les lieux publics et les salles de société. 1er mars 1914. (Revue du Travail XIX, 305.)

Royal Order regulating the management of theatres, circuses, rinks, velodromes and show places in general, as well as the use of apparatus for producing cinematograph shows in public places and society halls. Dated 1st March, 1914.

3. Arrêté royal instituant une commission chargée d'étudier les questions relatives à l'emploi de la céruse. 10 avril 1914. (Revue du Travail XIX, 465.)

Royal Order to institute a commission to study questions respecting the use of white lead. Dated 10th April, 1914.



4. *Loi modifiant l'article 2 de la loi du 17 juillet 1905 sur le repos du dimanche dans les entreprises industrielles et commerciales.* 25 mai 1914. (*Revue du Travail* XIX, 648.)

**Act to amend paragraph 2 of the Act of 17th July, 1905, respecting Sunday Rest in Industrial and Commercial Undertakings. Dated 25th May, 1914.\***

*Sole Section.*—Section 2 of the Act of 17th July, 1905, respecting Sunday rest in industrial and commercial undertakings is amended as follows :—

“ No persons shall be employed on Sunday other than members of the employer's family living with him and not more distantly related to him than the third degree, and the employer's domestic servants.

“ This rule shall apply to work done under the control and supervision of the employer.

“ It shall apply subject to the exceptions and exemptions contemplated below.”

5. *Loi complétant la loi du 5 juin 1911, sur les pensions de vieillesse en faveur des ouvriers mineurs.* 26 mai 1914. (*Revue du Travail* XIX, 649.)

**Act to supplement the Act of 5th June, 1911, relating to old-age pensions for miners. Dated 26th May, 1914.**

6. *Arrêté royal : Cuisson des briques—Prorogation de la mise en vigueur de l'arrêté royal du 1er mars 1914.* 1er février 1919. (*Revue du Travail* XX, 80.)

**Royal Order : Firing of bricks—postponement of the date for putting the Royal Order of 1st March, 1914, into operation. Dated 1st February, 1919.**

7. *Arrêté royal : Loi du 26 mai 1914 sur les pensions de vieillesse en faveur des ouvriers mineurs. Exécution 8 février 1919.* (*Revue du Travail* XX, 78.)

**Royal Order : Act of 26th May, 1914, respecting old-age pensions for miners. Dated 8th February, 1919.**

8. *Arrêté royal : Travail des femmes et des enfants. Coordination des dispositions légales sur la matière.* 28 février 1919. (*Revue du Travail* XX, 81.)

**Royal Order : Employment of Women and Children. Coordination of the legal provisions on the matter. Dated 28th February, 1919.**

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\* The publication of this Act was delayed owing to the War, so that it did not appear in the “ Bulletin of the International Labour Office ” for the year 1914. For the sake of completeness it is consequently included in the Legislative Series for 1919.

*Act relating to the employment of women and children.*

1. The provisions of this Act shall apply to work :—
  - (1) In mines, pits, quarries and on building operations ;
  - (2) In works, mills, factories, workshops, restaurants, public-houses, offices of industrial and commercial undertakings ;
  - (3) In establishments which are classed as dangerous, unhealthy or noxious, and also in establishments in which work is carried on by means of steam boilers or mechanical power ;
  - (4) In ports, on quays and in railway stations ;
  - (5) In connection with transport by water or land.

The provisions of this Act shall apply to both public and private undertakings, even when they serve the purposes of trade instruction or are of a philanthropic nature.

The following shall be exempted :—

Work carried on in undertakings in which only members of the family are employed, under the supervision of the father, mother or guardian, provided that such work is not classed as dangerous, unhealthy or noxious, and that no steam boilers or mechanical power are used.

2. The King may, in the manner provided in § 15, extend the application of the provisions of this Act to all other work likely to endanger the health or the moral welfare of children.

3. Children under the age of 14 years shall not be employed. Nevertheless, this age limit shall be reduced to 13 years in the case of children holding a school-leaving certificate, issued in pursuance of the Act relating to compulsory school attendance and amending the Principal Act on primary education.

The King may sanction the employment of children between the ages of 13 and 14 years, and, until the establishment of the 4th standard, but not after 1st January, 1920, of children between the ages of 12 and 14 years, for a certain number of hours per day, for a certain number of days and under certain conditions, taking into consideration the claims of elementary and technical instruction, the nature of the occupation, and the requirements of the particular industry, occupation or trade.

The provisions of this Section shall also apply to homework done on behalf of a contractor.

4. The King may, in the manner provided in § 15, prohibit the employment of children under the age of 16 years, or of girls or women between the ages of 16 and 21, on any work which exceeds their strength, or which is liable to prove dangerous to them.

He may entirely prohibit the employment of children under the age of 16 years, or of girls and women between the ages of 16 and 21 years, on work designated as unhealthy ; or he



may sanction such employment for a certain number of hours per day, for a certain number of days and under certain conditions.

5. Women shall not be employed for four weeks after their confinement.

6. The King shall regulate the duration of the daily working period and the duration of and conditions affecting the periods of rest for children under the age of 16 years, as well as for girls and women between the ages of 16 and 21 years, taking into consideration the kind of work on which they are to be employed and the requirements of the particular industry, occupation or trade.

Children under the age of 16 years, and women between the ages of 16 and 21 years, shall not be employed for more than 12 hours in any one day; this working period shall be interrupted by periods of rest, the total duration of which shall not be less than  $1\frac{1}{2}$  hours.

Employers shall not give out to the said persons homework in such quantities as to occupy time in excess of the working period fixed in pursuance of the present Act and by Decree.

7. Children under the age of 16 years shall not be employed after 9 p.m. nor before 5 a.m.

The King may sanction, unreservedly or under certain conditions, the employment of boys over 14 years of age after 9 p.m. and before 5 a.m. on work which, owing to its nature, cannot be interrupted or postponed, or which can only be carried on during certain hours.

The Governor, after hearing the competent inspectors, may, for a limited period, grant the same permission for all industries or trades, should the work have been interrupted by *force majeure*, or in the event of extraordinary circumstances.

The permit thus granted by a Governor shall become inoperative if, within ten days of the date of its promulgation, it is not confirmed by the Minister to whose authority the Department of Industrial Inspection is subject.

The permit referred to in the last two paragraphs shall be valid for a maximum period of two months; it may, however, be extended after consultation with the competent inspectors.

8. Night work shall be prohibited for all women, irrespective of age.

9. The duration of the night's rest contemplated in § 8 shall be at least eleven consecutive hours which shall be comprised between the hours of 9 p.m. and 5 a.m.

10. The King may decree, unreservedly or under certain conditions, that the working period for adult women in hotels and public-houses may be prolonged after 9 p.m. provided that, between the termination of one period of work and the commencement of the next, there shall be granted an interval of at least eleven hours.

11. The King may sanction exemptions from the provisions of §§ 8 and 9 for industries where raw materials or intermediate products are worked up which are subject to rapid deterioration and the loss of which would otherwise seem to be unavoidable.

12. When, as a result of *force majeure*, an interruption of work occurs in an undertaking, which could not be foreseen and does not recur at regular intervals, the prohibition of night-work may be suspended by a permit issued in pursuance of § 7, paragraphs 3, 4, and 5.

13. In industries affected by the seasons the period of uninterrupted rest at night may be reduced to ten hours on sixty days in the year.

These industries shall be designated by Order of the King. The Order shall stipulate the conditions which the employer must observe when notifying the labour inspector, if he wishes to make use of the exception prescribed in this section.

14. In the event of exceptional circumstances, the uninterrupted night's rest may be reduced to ten hours on sixty days in any one year, by a permit issued in pursuance of § 7, paragraphs 3 and 4.

15. Before making use of the powers conferred by §§ 2, 3, 4, 6, 7, 10, 11 and 13 the King shall consult the following authorities :—

- (1) The proper Departments of the Industrial and Labour Councils (Conseils de l'industrie et du travail) ;
- (2) The Superior Public Health Council (Conseil supérieur d'hygiène publique) ;
- (3) The Superior Labour Council (Conseil supérieur du travail).

These authorities shall, within two months, give their opinions with respect to any applications submitted to them ; opinions forwarded later shall be considered as not having been presented.

The Orders shall be published in the *Moniteur*.

16. Children under the age of 16 years and girls and women between the ages of 16 and 21 shall be provided with a work-book, which shall be supplied to them free of charge by the local authorities of their place of domicile, or, should this not be known, of their place of residence ; the surnames and Christian names of the workers, the date and place of their birth and their place of domicile shall be entered in the work-book, and also the surname, Christian names and place of domicile of either the father, mother or guardian.

These work-books shall be in accordance with a model drawn up by Royal Order.

Extracts from the registers with respect to the workers' legal status and all other papers required for the purpose of the work-books shall be supplied free of charge.

Heads of undertakings, employers and managers shall keep a register of the entries prescribed in paragraph 1 of this Section.



17. Heads of undertakings shall post up any notices which may be considered necessary for the enforcement of the law.

They shall obey all other rules laid down by Royal Order.

18. The administration of the present Act shall be supervised by special officials to be nominated by the Government, without prejudice to the duties incumbent on the regular police authorities.

The powers of the said officials shall be regulated by Royal Order.

19. The officials nominated in pursuance of the preceding Section shall be given unhampered access to the premises of the undertakings enumerated under § 1.

They shall have the right to demand that the books and registers to be kept in pursuance of § 16 shall be submitted to them.

Heads of undertakings, employers, managers, foremen and workers shall give to such inspectors all the information which they may require in order to ascertain that the provisions of the Act are being observed.

In the event of an infringement of the Act, the inspectors shall draw up an official report, which shall be valid until proof be given to the contrary.

The said official report shall become void if a copy is not submitted within forty-eight hours to the person guilty of the infringement.

20. Heads of undertakings, employers, directors and managers, who knowingly contravene the provisions of the present Act or the Orders relating to its administration, shall be liable to a fine of from 26 to 100 francs. In the case of an infringement of § 3 of the present Act, the minimum fine shall be 50 francs.

The penalty shall be imposed in regard to every individual person employed in contravention of the Act or of the Orders, with the proviso that the total amount of the fines shall not exceed 1,000 francs.

Should the infringement be repeated within five years from the date of a conviction, the penalties shall be doubled, with the proviso that the total amount of such fines shall not exceed 2,000 francs.

21. Heads of undertakings, employers, ground landlords, directors or managers, who obstruct the inspection regulated under the present Act, shall be liable to a fine of from 26 to 100 francs, without prejudice to the penalties provided for in §§ 269-274 of the Penal Code.

Should any infringement be repeated within five years from the date of a conviction, the penalty shall be doubled.

22. Heads of undertakings shall be held responsible at civil law with respect to the payment of fines imposed on their directors or managers.

23. Any father, mother or guardian who employs a child

or ward in contravention of the Act, or permits the employment of such child or ward in contravention of the Act, shall be liable to a fine of from 1 to 25 francs.

Should the contravention be repeated within twelve months from the date of the conviction the penalty may be doubled.

24. In derogation of § 100 of the Penal Code, Chapter VII, and § 85 of Book I of the said Code shall apply with respect to the contraventions provided for in the present Act. In the event, however, of repeated contraventions, § 85 of the Penal Code shall not apply.

25. Penal proceedings with respect to an infringement of the provisions of the present Act shall be barred after the expiration of one calendar year from the date of such infringement.

26. Every three years the Government shall submit to the Chamber a report with respect to the administration and the working of the Act.

27. The present Act shall come into force on 1st October, 1919.

#### *Transitory Provisions.*

28. The provisions of the present Act shall not come into force in respect of adult workers in wool-combing and spinning works until 1st January, 1920.

## **IV. Czecho-Slovakia.**

**1. Act respecting the Eight-hour Working Day. Dated 19th December, 1918.**

#### *Hours of Work.*

1 (1) In undertakings subject to the Industrial Code or carried on as factories, the actual hours of work of workers shall, in principle, not exceed 8 hours within 24 hours or 48 hours in the week.

(2) This rule shall also apply to undertakings, works, and institutions carried on by the State, by public or private associations, funds, societies and companies, whether they are of a profit-making, public utility or charitable nature.

(3) The same rule shall also apply to mining undertakings (pits, coke works, calcining furnaces and blast furnaces) both below ground and on the surface. The entering and leaving of the mine shall be regarded as a subsidiary operation in accordance with Section 7 provided that the shift shall not be increased thereby by more than half an hour reckoned from the descent of the first workman until the last workman of the same shift leaves the mine. In the case of work which is carried on at a permanently high temperature, without sufficient ventilation, or where water flows in, the mining authorities, in consultation with the workers' representatives and the management of the mine, may reduce the hours of work so that they shall not exceed 7 hours, including the time taken in entering and leaving the mine.



(4) The provisions of Sub-section (1) shall also apply to persons regularly employed in agriculture and forestry who live outside the household of the employer and receive daily, weekly or monthly wages.

(5) The Minister for Social Welfare in agreement with the Ministers concerned may allow for particular groups of undertakings, especially transport and agricultural undertakings, an arrangement of hours of work differing from that prescribed in Sub-section (1) provided that they shall not exceed 192 hours altogether within a period of four weeks.

2. It shall not be lawful for the employer to give out work to workers employed in his undertaking to be done at home for the purpose of lengthening the hours of work fixed in Section 1. An exception shall only be allowed in pursuance of Section 6.

### *Breaks in Work.*

3 (1) The distribution of the daily and weekly hours of work and the fixing of definite breaks in work shall be a matter for agreement between the employers and the workers.

(2) Notwithstanding, at least a quarter of an hour's break must be allowed after not more than five hours' uninterrupted work. Young persons under 18 shall, however, not work for more than four hours without a break. These breaks in work need not be allowed to workers over 18 years of age, provided that a proper period of rest is ensured to them in the regular course of the manufacturing processes.

4 (1) The worker must be allowed in every week an uninterrupted period of rest of at least 32 hours.

(2) In undertakings in which the processes can technically be interrupted without difficulty, this period of rest shall, as a rule, fall on Sundays, except in so far as exceptions are allowed in the Act relating to Sunday rest.

(3) Further exceptions to the 32 hours' rest shall be allowed for continuous undertakings when it would not be otherwise possible to alternate the shifts (alternation of the night and day shifts) and the work cannot be interrupted for technical reasons without considerable disturbance to the manufacturing process, and attention and supervision is necessary. In such cases the daily or weekly hours of work fixed in Section 1 shall be extended, provided that the shifts shall be so arranged that the 32 hours' period of rest of each worker falls on Sunday at least every third week.

(4) Hours by which the weekly 48 hours of work are exceeded when the shifts are alternated shall count as overtime.

(5) The exceptions designated in the preceding Sub-sections shall be allowed in particular groups of undertakings by the Minister for Social Welfare in agreement with the Ministers concerned.

5 (1) The uninterrupted period of rest named in Section 4 shall not begin later than 2 o'clock on Saturday afternoon in the case of women employed in factories.

(2) The Minister for Social Welfare in agreement with the Ministers concerned may grant exceptions to this rule within the limits of the prescribed weekly hours of work, for any undertaking in which the employment of women is essential to the undisturbed progress of the undertaking.

#### *Overtime.*

6 (1) When extra work is necessary in case of an interruption of the undertaking resulting from *force majeure* or accidents, or in the public interest, or for other important reasons, and if no other measures are practicable, particular undertakings or a particular class of undertakings may be permitted temporarily to increase the hours of work during not more than four weeks of the year, and by not more than two hours a day. Such permits shall be issued for works subject to industrial inspection, by the industrial inspector; for mining undertakings, by the district mining board; for railway work, by the Minister of Railways; for undertakings and institutions in agriculture and forestry, by the communal authorities; and for other undertakings, works and institutions, by the political authorities of first instance.

(2) Furthermore overtime not exceeding two hours a day during not more than 16 weeks in the year, may be granted, under the same circumstances: for mining undertakings, by the mining authorities (Berghauptmannschaft); for railway work, by the Minister for Railways; for agriculture and forestry, by the political authorities of first instance; and for other undertakings, works and institutions, by the political authorities of second instance.

(3) These extraordinary hours of work shall count as overtime and be specially remunerated.

(4) Overtime shall not extend altogether beyond 20 weeks or 240 hours in the year. This limitation shall not apply to emergency work, especially repairs, where danger to life, health and the public interest is involved, but only for a limited period unavoidably necessary for technical reasons, and if this work cannot be carried out within the usual hours of work. No official permission shall be necessary for this work but it must be notified to the authorities named in Sub-section (1) if it lasts longer than three days.

7 (1) No special permission shall, moreover, be necessary for subsidiary operations which necessarily precede or follow the work (manufacture) such as the heating of boilers, cleaning the workrooms, feeding animals, etc., even when they are carried on outside the ordinary hours of work fixed in the undertaking.

(2) The necessary handing over of work (Arbeitsübergabe) in the case of operations where this is necessary in the interests of continuity shall be held to be such work, if the uninterrupted progress of the manufacture or of the service demand it.

(3) In undertakings serving a public need the regular hours



of work of particular groups of workers may be extended if the employee's work does not occupy more than 6 hours a day, although he has to remain on duty for longer hours. This extension shall only be allowed in the case of collective agreements concluded between employers and workers and sanctioned by the Minister for Social Welfare in agreement with the Ministers concerned. In the case of railway undertakings the Minister for Railways shall decide on this matter of the regulation of hours; he shall first invite the opinions of the workers' representatives.

(4) Extra remuneration must be paid for all these branches of work in so far as they exceed the regular working hours (overtime).

### *Night Work.*

8 (1) Night work, *i.e.*, in the hours between 10 p.m. and 5 a.m. shall only be allowed in continuous industries in which the manufacture cannot be interrupted for technical reasons.

(2) In other undertakings it shall only be permissible in the time in question when this is necessary in the public interest or in order to satisfy a regular public need. The Minister for Social Welfare shall issue more detailed regulations on this matter in agreement with the Ministers concerned.

(3) Temporary night work, consequent upon the necessity of repairs to plant resulting in an interruption of the undertaking, shall not need any special permit if the regular progress of the undertaking would otherwise be endangered for a considerable period.

9 (1) Only male workers over 16 years of age shall be employed on night work. Women shall not be employed on night work.

(2) The Minister for Social Welfare in agreement with the Ministers concerned shall designate those groups of undertakings and industries in which the night work of women over 18 may be allowed as an exception for a short period in the preparation of raw materials and substances liable to rapid deterioration.

(3) In addition, the Minister for Social Welfare in agreement with the Ministers concerned, may allow, as an exception, specified groups of undertakings to employ women over 18 at night between the hours of 10 p.m. and 5 a.m. if this is necessary for the uninterrupted progress of the undertaking or out of special consideration for public interests, and the work of the women consists of operations demanding comparatively little exertion. The permit granting the exception must be posted up in the undertaking.

### *Young Persons.*

10. In the undertakings named in Section 1 children shall not be employed before the conclusion of their compulsory school attendance, and before they are 14 years of age.

11 (1) Male young workers up to 16 years of age, and female workers up to 18 years of age shall only be employed on light

work which is not injurious to their health and does not check their physical development.

(2) Only male workers shall be employed in mines, including surface works (Tagbauten).

*Persons Employed in the Employer's Household.*

12 (1) Persons employed in the household of the employer, and living there, and engaged for more than one month, or employed on personal services (including the so-called "Deputatisten\*") shall be allowed a 12 hours' period of rest in 24, eight of which shall be uninterrupted night's rest, and at least half an hour shall be allowed at midday.

(2) The same shall apply to persons engaged in irregular service involving little exertion such as the supervision and watching of houses and undertakings, and looking after animals.

(3) Exceptions from the rule requiring a night's rest shall only be allowed in individual cases irregularly occurring and of a pressing nature. Heavy work shall not be performed in the period between 9 p.m. and 5 a.m.

(4) The distribution of the hours of work shall be a matter for arrangement between the parties concerned. Notwithstanding, the worker must be allowed an uninterrupted period of eight hours' rest at least once every week, which must fall, as a rule, on Sunday. During this period of rest only household or agricultural work which cannot be postponed, shall be performed, and arrangements shall be made to ensure that the worker has a free Sunday afternoon. A corresponding period of rest on a week day shall be granted as compensation for all work done on Sunday.

(5) The preceding rules shall not apply to persons called in to give extra help in nursing sick persons, in domestic and field work, in so far as this extra help is not employed for more than six days.

*Penalties.*

13. Contraventions of these rules shall be punished by the political authorities of first instance and by the District Mining Boards, by fines not exceeding 2,000 kr., or, in default, by imprisonment for not more than three months. If the offence is repeated a fine not exceeding 5,000 kr. may be imposed or the offender may be imprisoned for not more than six months.

*Concluding Provisions.*

14. In undertakings in which the hours of work are reduced in accordance with this Act the wages reckoned by time shall not be reduced for this reason.

15. (1) This Act shall come into force on the 15th day from its notification.

(2) In the case of particular groups of continuous industries or parts of the same, the Minister for Social Welfare in agreement

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\* I.s., persons paid partly in kind,



with the competent Ministers, may allow the operation of this Act to be postponed, if this seems necessary for technical reasons or on account of the lack of skilled workers.

16. The Minister for Social Welfare in agreement with the other Ministers is charged with the administration of this Act.

## **2. Order in pursuance of the Act respecting the Eight-hour Day. Dated 11th January, 1919.**

I. In accordance with Section 1, Sub-section (5), of the said Act, I hereby grant permission to the undermentioned groups of undertakings, instead of arranging the hours of work in the manner prescribed in Section 1, Sub-section (1), to distribute the hours of work over four weeks in such a way that within this period the total number of hours worked shall not exceed 192. These undertakings are:—

- (1) Agricultural undertakings, and undertakings directly connected therewith.
- (2) Horticulture.
- (3) Tile works.
- (4) Glass works with continuous furnaces.
- (5) Pottery works in which melting and muffle furnaces are used.
- (6) Foundries, for work in connection with cupola furnaces.
- (7) Mills and saw works driven by water.
- (8) Breweries in the summer.
- (9) The manufacture of soda-water in the summer.
- (10) Building operations in work on the building site.
- (11) Waterworks.
- (12) Work in connection with the procuring of natural ice.
- (13) Forwarding and transport undertakings.
- (14) River and sun baths.
- (15) Electricity works.
- (16) Lumbering.

II. In accordance with Section 4, Sub-section (5), I hereby grant permission to the following undertakings in which the process is continuous for the purpose of the alternation of shifts, to extend the daily or weekly hours fixed in Section 1, on condition that the employed persons shall have their 32 hours' weekly rest at least every third week on a Sunday, and that the hours by which the weekly total of 48 hours is exceeded when the shifts are alternated, shall be paid for as overtime. These undertakings are:—

- (1) Ironworks.
- (2) Metal works.
- (3) Enamelling works.
- (4) Lime kilns, plaster of Paris, magnesite, dolomite works.
- (5) Brick works, works for the manufacture of fireproof stones, carborundum and emery wheels.
- (6) Kaolin washing works.
- (7) Pottery works.

- (8) Glass works.
- (9) Works for the manufacture of carbon electrodes and other objects made from plastic carbon.
- (10) Works for the manufacture of goods from wood fibre.
- (11) Works for the manufacture of accumulators.
- (12) Works for the manufacture of cork sheets.
- (13) Works for the manufacture of wood fibre, cellulose.
- (14) Water mills and windmills.
- (15) Malt works and breweries.
- (16) Works for the drying and sulphurating of hops.
- (17) Sugar factories.
- (18) Liquorice works.
- (19) Syrup and grape sugar (starch sugar) works.
- (20) Drying works for chicory, beet, potatoes, vegetables and fruit.
- (21) Jam, fruit pulp, and sausage factories.
- (22) Spirit distilleries and refineries, yeast works.
- (23) Starch works.
- (24) Winning of natural mineral waters and their salts.
- (25) Chemical works.
- (26) Fat works.
- (27) Petroleum refineries and kerosene works.
- (28) Works for the manufacture of gas for light, heat and power.
- (29) Independent electrical works, and electrical works which only form a subsidiary part of an undertaking.

The extension of the hours of work in these undertakings shall only apply to the operations designated in the Order of 12th September, 1912.

III. In accordance with Section 5, Sub-section (2), I hereby grant permission to the undermentioned kinds of factory to employ women on Saturdays after 2 p.m., provided that the total of 48 hours' work in the week is not exceeded. These undertakings are :—

- (1) Laundries and ironing businesses.
- (2) Making of mourning clothes.
- (3) Dried vegetable works.
- (4) Jam factories.
- (5) Dairies.
- (6) Soda-water factories.
- (7) Sugar factories and refineries.
- (8) Printing works.

IV. In accordance with Section 8, Sub-section (2), I hereby grant permission for night work, *i.e.*, work performed between 10 p.m. and 5 a.m. to be performed in the following classes of undertaking :—

- (1) In horticulture for the destruction of night pests in gardens between May and October, and the spraying of flowers, and the transport of goods to the early markets.



- (2) Agricultural undertakings, vine and fruit culture : for the care of animals, and for work relating to the arranging and preparation of agricultural produce, and the conveyance of goods to the market, provided that these operations cannot be carried out during the day at all, or not to a sufficient extent.
- (3) Paper factories.
- (4) Grain mills.
- (5) Dairies : for the receipt of milk and its despatch to the market.
- (6) Electricity and gas works.
- (7) Building undertakings : for work connected with continuous water pumping.
- (9) The delivery of newspapers.
- (8) The printing of daily papers.
- (10) Transport undertakings.
- (11) Theatres.
- (12) Places of entertainment, restaurants and hotels.
- (13) Professional musicians.
- (14) The guarding of works, guarding and safety services in general.
- (15) Hospitals, maternity homes, institutions for the insane, penal institutions, compulsory labour institutions and reformatories.

V. In accordance with Section 9, Sub-section (2), I hereby grant permission for the night work of women over 18 years of age as an exception, and temporarily, during the season, in the manufacture of jam, and fruit pulp, and the drying of vegetables and fruit.

In addition, I hereby grant permission in accordance with Section 9, Sub-section (3) for women over 18 years of age to be employed at night, *i.e.*, between 10 p.m. and 5 a.m., in the groups of undertakings named below :—

- (1) Agricultural undertakings for the operations named in the preceding Section IV, No. 2.
- (2) Dairies.
- (3) Hotels and kitchens in the hotel trade.
- (4) The booking offices of transport undertakings.
- (5) Telephone and telegraph service.
- (6) The delivery of newspapers.
- (7) Theatres.
- (8) Places of entertainment.
- (9) Hospitals, maternity homes, institutions for the insane, penal institutions, compulsory labour institutions and reformatories.

This permission must be posted up in the works or the institution.

VI. In accordance with Section 15, I hereby grant permission for the operation of the Act to be postponed in the following

undertakings in so far as a third shift of workers cannot be procured.

For the period up to 15th April, 1919 :—

- (1) Manufacture of paper.
- (2) Mills.
- (3) Sugar factories.
- (4) Drying works for perishable agricultural produce.
- (5) Railway undertakings: for work in the workshops and work connected with the maintenance of the permanent way.
- (6) Hospitals, maternity homes, institutions for the insane, penal institutions, compulsory labour institutions and reformatories.

For the time up to 30th June, 1919 :—

Railway undertakings : for subsidiary work in stoking houses and for the running of machinery. Finally the operation of the Act shall be postponed until 30th June, 1919, in all workshops, for individual workers in so far as they are especially skilled and no other persons can be secured at the time to take their place. For example, works officials, stokers, boilermen, electrical fitters, machinery and boiler attendants, and foremen.

These provisions shall come into force at once.

### **3. Circular of the Ministry of Social Welfare to all Administrative Authorities respecting the interpretation of the provisions relating to the eight-hour day. Dated 21st March, 1919.**

In the Act of 19th December, 1918 (No. 91 of the Collected Acts and Orders), provisions were made respecting the introduction of the eight-hour day, and these provisions came into force on 3rd January, 1919. In pursuance of the powers assigned to me, I have, in agreement with the Ministers concerned, issued an Order under the Act, dated 11th January, 1919 (No. 11 of the Collected Acts and Orders). Since that date numerous enquiries have reached the Ministry of Social Welfare as to the interpretation and application of particular provisions. The desired information was forwarded in reply to these enquiries. Public interest in the Eight-hour Day Act rendered it necessary that the principles laid down by the Ministry in answering isolated enquiries should be made known universally, in order to ensure uniform interpretation and administration of the Act.

Administrative authorities are directed to bear in mind the following points in relation to the application of the Act :—

§ 1. The Act regulates the hours of work of all workers, therefore it applies not only to workmen in the narrower sense, but to officials—to both manual and professional workers, regardless of status. It applies to all types of wage-earners, to miners, agricultural workers, and persons employed in domestic service.



In the industrial world, the Act applies to persons engaged in production as well as those engaged in commerce. It applies also to persons employed in the law courts, and by notaries, stockbrokers, civil engineers, and agencies; those employed in doctors' consulting rooms, in hospitals and hydropathics, in banks and insurance offices, in public places of entertainment, and in connection with the production of periodical publications; employees of productive and distributive co-operative societies (consumers' leagues), commercial travellers, firemen, school attendants, &c.

The extent to which the Act applies to the mining industry is precisely defined. In agriculture and forestry, those persons come under the Act who are in regular employment and who do not live in their employer's house. The Act also regulates the hours of work of persons engaged in household duties, unless they have been engaged merely for temporary work lasting less than six days.

The legal status of the employer (or employers) is not a determining factor in the case, so that the Act applies also to undertakings, businesses and institutions which are carried on by the State, by public or private associations, by joint-stock companies, or by industrial, public utility or charitable societies. Hence it applies to the postal, telegraph and railway services, to State monopolies, to foundling hospitals, lunatic asylums, hospitals, maternity homes, and educational institutions.

A distinction must be made between State institutions and State offices which carry out public administrative duties, the latter not being affected by this Act. So far as other bodies are entrusted with the execution of public administrative duties—such as the authorities of provinces (Länder), districts (Bezirke) or communes, or chambers of commerce, workmen's accident insurance societies, sick benefit societies, &c., they are to be treated in the same way as State authorities.

The Act does not apply to home work, unless it is in continuation of work done at a work place.

The hours of work were fixed in principle only at eight per diem exclusive of breaks; a definite limitation is prescribed, namely, that the hours of work shall not exceed 48 in one week. Subject to this limitation, work may be distributed between the separate days of the week in any way that is convenient, by agreement with the workers; so that more than eight hours may be worked on certain days of the week in order that hours may be shorter on some particular day, *e.g.*, Saturday. It is provided that the legal eight-hour day shall consist of eight hours of actual work, so that the statutory breaks provided for in § 3 are not to be reckoned in the duration of work. This, however, does not prevent the parties concerned from agreeing to include breaks in reckoning the duration of work or to reduce working hours regularly below eight per diem.

In those occupations in which hours of work are usually extremely long, on account of the nature of the processes involved,

so that 48 working hours cannot conveniently be spread over a week, the distribution of hours of work may be based on a four weeks' period, provided that the duration of work for this period does not exceed 192 hours. The undertakings concerned are enumerated in § 1 of the Order of 11th January, 1919 (No. 11 of the Collected Acts and Orders). The regulation of the hours of work of persons employed in the delivery of beer and soda-water may be based on a four-weekly period, as provided in § 1, items 8 and 9, of this Order.

If longer working hours are temporarily necessary in various other occupations, *e.g.*, in hotels and public-houses, in the production of goods for the Christmas market, in making up balance sheets and stocktaking, this need can be met by the issue of permits for overtime.

§ 2. The employer is forbidden to give out work to persons employed in his undertaking, to be done at home, in order to lengthen the legal hours of work. This procedure is permissible only when the employer has previously obtained a permit for overtime.

§ 3. The fixing of the length of breaks in work is left for the parties concerned to settle by voluntary agreement. The only compulsory provision is that at least a quarter of an hour's break must be allowed after not more than five hours' uninterrupted work. Young persons under 18 must not work for more than four hours without a break. The only case in which workers over 18 need not be allowed these breaks in work is that in which they are ensured a proper time for rest in the regular course of work (*e.g.*, stokers, boilermen and other engine-minders, rollermen in rolling mills, employees in dye-works, paper works, milling, &c.).

Special regulations as to breaks in work will be necessary for undertakings in which substances deleterious to health are used in the course of work, and in which it is therefore forbidden to take food into workplaces, because workers are required on grounds of health to cleanse themselves thoroughly before eating. It will be the duty of the industrial authority to issue special regulations on this subject, as occasion arises, after ascertaining the views of the public health authority and the industrial inspector.

§ 4. The weekly uninterrupted break in work of 32 hours prescribed in the Eight-hour Day Act will as a rule coincide with the Sunday rest. Earlier enactments relating to Sunday rest remain in force, with this modification, that the provisions as to allowing a rest day during the week instead of Sunday have now become unnecessary.

The Act of 14th January, 1910 (R.G. Bl. No. 19), relating to the closing of shops, is also unchanged in its operation. If it is desirable to prevent competition between the larger establishments which have to close their workrooms owing to the reduction of hours, and the smaller businesses in which the occupier and his wife alone, without assistance, can go on working longer, the

industrial associations should fix one closing time (for all establishments) in the trades concerned, as provided in § 119c (i) of the Industrial Code. The industrial authorities may possibly have to negotiate the necessary agreements between the associations on this subject. In connection with the fixing of closing hours, care should be taken that they are not fixed so as to prevent workers from having an opportunity to buy the necessities of life, and consequently that the closing hour shall not coincide with the workers' time for leaving work.

The 32 hours' rest should in general fall on Sunday, but in exceptional cases it may be arranged for a week-day—*e.g.*, in continuous processes; in agriculture, when urgent work is in hand (at ploughing, sowing and harvest time); in printing works engaged on publications in the national interest; in the railway service, &c.

In undertakings running continuously, work has to be arranged in three shifts; so that in order to admit of a weekly alternation, it is desirable that a relief shift should be organised. If under the system of weekly alternation of shifts it is impossible to ensure, by means of the employment of a relief shift, that everyone on each shift shall have a 32 hours' period of rest every week, it is permissible to extend the weekly hours of work, but only on condition that the 32 hours' period of rest of each worker shall fall on Sunday at least every third week, and that the hours by which the weekly 48 hours of work are exceeded shall be counted as overtime in reckoning wages. To allow of the 32 hours' period of rest falling on Sunday for each of the three shifts in turn, the alternation of shifts may be planned so that one shift is allowed the 32 hours' period of rest during Saturday and Sunday, while the other two shifts work 16 hours each without a break.

The period of rest for these two shifts is thus reduced to 24 hours in the week in question, and the working hours of all three shifts are extended from 48 to 56. The following schedule exemplifies the working of this system of alternating shifts during three weeks:—

*1st Week.*

	Monday to Friday.			Saturday.			Sunday.		
	6-2	2-10	10-6	6-2	2-10	10-6	6-2	2-10	10-6
Shift	<i>a</i>	<i>b</i>	<i>c</i>	<i>a</i>	<i>b</i>	<i>b</i>	<i>c</i>	<i>c</i>	<i>a</i>

*2nd Week.*

	Monday to Friday.			Saturday.			Sunday.		
	6-2	2-10	10-6	6-2	2-10	10-6	6-2	2-10	10-6
Shift	<i>b</i>	<i>c</i>	<i>a</i>	<i>b</i>	<i>c</i>	<i>c</i>	<i>a</i>	<i>a</i>	<i>b</i>

*3rd Week.*

	Monday to Friday.			Saturday.			Sunday.		
	6-2	2-10	10-6	6-2	2-10	10-6	6-2	2-10	10-6
Shift	<i>c</i>	<i>a</i>	<i>b</i>	<i>c</i>	<i>a</i>	<i>a</i>	<i>b</i>	<i>b</i>	<i>c</i>



The list of undertakings running continuously in which such a distribution of working hours may be arranged, is contained in § 1 of the Ministerial Order previously referred to.

§ 5. A special limitation is imposed upon the employment of women in factories, to the effect that the uninterrupted period of 32 hours' rest has in the case of women to begin not later than two o'clock on Saturday afternoon. In establishments on a small scale, *e.g.*, restaurants, hairdressers' shops, &c., in commercial establishments, and in all undertakings to which the Industrial Code does not apply, the employment of women on Saturdays is not affected by this provision.

Exceptions from § 5 (1) of the Act are specified in § III of the Ministerial Order of 11th January, 1919 (No. 11, Collected Acts and Orders).

§ 6. An extension of working hours beyond the statutory limit is only allowed, subject to the issue of an official permit, when the regular working of the undertaking has been interrupted by *force majeure* or accident, or when extra work is needed in the public interest or for other important reasons, and when no other measures are practicable. Before such a permit is issued, it should therefore be considered whether the need for extra work could not be met by increasing the number of workers, to the extent of working two shifts. Special attention must be paid to the conditions existing in seasonal trades, the building trades, brickfields, and particularly in agriculture and mining.

The authorities charged with the issue of permits for overtime are specified in the Act. This duty has been assigned to communal authorities, among others, and they will therefore have to obtain the requisite information as to their new sphere of operation.

If overtime is worked for more than four weeks, the power to grant permits is transferred to higher authorities, who are at liberty to decide in case of necessity without reference to the authorities of first instance. If overtime work is necessary in order to complete an official printing order quickly, the execution of the order shall be held to cover such operations as are absolutely necessary for its completion. In accordance with § 6 (4), official permission is not necessary for the operations, but they must be notified to the competent authorities.

In the case of undertakings in which work is distributed in accordance with § 1 (5) (192 hours within a period of four weeks), only the hours worked in excess of 192 during this period of four weeks are reckoned as overtime.

§ 7. The so-called subsidiary operations, which necessarily precede or follow the processes of production (work), are under the Act included in the category of operations for which an official permit is not required: such are the heating of boilers, cleaning of workrooms, feeding of animals, &c. The necessary handing over of work (*Uebergabe des Dienstes*), in cases where the continuity of operations renders this needful, comes under

the same head, *e.g.*, reporting for duty on railways, handing over the cash in Post Offices, transference of waiters' duties in restaurants, &c. In bakeries making black bread, the setting of the dough may be treated as a preliminary operation for which a special permit is not compulsory.

In undertakings serving a public need the regular hours of work of particular groups of workers may be extended, if the employee's presence at his place of work ("on duty") is necessary, but his actual work does not occupy more than six hours a day. Such cases occur, in particular, in the railway and postal services, and in the case of inspectors employed in public utility undertakings.

§ 8. Night work is only allowed in undertakings running continuously. The question whether an undertaking comes under this category is a matter for decision on the merits of each individual case. In general, it may be held to cover all continuously running undertakings in which Sunday work is permitted under the Order of 12th September, 1912 (R.G. Bl. No. 186).

In addition to these, the Minister for Social Welfare may permit night work in other undertakings, when this is necessary in the public interest or to meet a regular public need. A list of such undertakings is given in § IV. of the Order of 11th January, 1919 (No. 11 of the Collected Acts and Orders).

In the case of bakeries, the principle of allowing rest at night should be maintained, and night work permitted only by way of exception and for a limited period. The provision in § IV, items 8 and 9, of the Order covers the printing and delivery of newspapers appearing on Monday only.

Temporary night work consequent upon necessary repairs to plant which have caused an interruption of work, does not require a special permit, if without it the regular working of the undertaking would be endangered for a considerable period.

§ 9. As a general rule, women and young persons under 16 may not be employed on night work. An exception to this rule is made by the Order of 11th January, 1919 (No. 11 of the Collected Acts and Orders), allowing night work in the case of women over 18, who are employed in the production of jam, fruit pulp, and dried fruits and vegetables.

This Order also sanctions night work in the case of women over 18 in undertakings and establishments in which such work is necessitated by the continuity of operations or the special requirements of public service. The night work of women employed in works kitchens and canteens comes under the provision in § V, item 3, of the Order previously referred to.

§ 11. Male young workers under 16, and female workers under 18, may only be employed on light tasks. In the mining industry, only male workers may be employed in work below ground.

§ 12. The provisions of § 12 apply without distinction to

persons employed in agriculture, trade and industry, and domestic service, in both private and public institutions. Thus the following groups of workers, in particular, come under paragraph 1 :— Farm servants, farm hands paid partly in kind (*Deputatarbeiter*), independent stockmen, stokers employed in private houses and institutions, liftmen and lighting installation attendants, coachmen and drivers of carts and waggons, minders of power machinery which serves the personal needs of the employer and his employees, stable boys, men and women domestic servants, chambermaids, women servants in hotels, women cooks, nurses, governesses, tutors, companions, stewards, school attendants, &c.

Paragraph 2 applies, in particular, to employees of private detective businesses, night watchmen, special watchmen in stables, doorkeepers, caretakers, firemen, &c.

All these persons are entitled to a period of 12 hours' rest in each 24 hours, and at least 8 hours of this must be uninterrupted night rest (unless their occupation is one which involves night work exclusively) and at least half an hour must coincide with the midday break.

§ 14. The Act does not sanction a reduction of wages on the ground of the reduction of working hours, whether wages have previously been paid by the day or by the hour. In cases of dispute, the competent courts shall decide.

In general, it is to be noted that in so far as the Minister for Social Welfare is empowered to authorise special exceptions for particular groups of undertakings, this power also includes the right to authorise the same exceptions in the case of individual undertakings or parts thereof.

All authorities, and in particular those charged with inspection duties, are directed to supervise the administration of the Eight-hour Day Act, and to facilitate its application by issuing instructions, especially in those occupations in which there has hitherto been no legal regulation.

Political authorities of first instance and industrial inspectors must by the end of June, 1919, report to the Ministry of Social Welfare on the working of this Act.

## V. Denmark.

*Lov (Nr. 62—1919) om Indførelse af 8 Timers-Arbejdsdagen i Fabrikvirksomheder med Døgndrift. 12 Februar 1919.*

**Act to introduce the Eight-Hour Working Day in Factories working continuously day and night. Dated 12th February, 1919.**

1. The following sub-sections (2)–(4) shall be added to Section 24 of the Act, No. 143 of 29th April, 1913, respecting work in factories, etc., and their inspection by the public authorities:—

(2) In undertakings working continuously day and night (*med Døgndrift*) no workers employed on the continuous process shall



work more than eight hours in the 24 hours ; when the shifts are changed the period of employment may be extended to not more than 16 hours a day ; but in this connection arrangements must be made to ensure that the total hours of work of any worker shall not exceed 160 hours in three consecutive weeks. Extensions of the period of employment arising from the necessity to transfer the work in a proper manner when a man is relieved, or necessitated by repairs, illness, the completion of a particular process and so forth, shall not be taken into account.

(3) The Minister of the Interior may, on the proposition of the Labour Council, allow exemptions from the above provisions in the case of seasonal undertakings—or groups of such undertakings—in which the work is continuous during not more than four months in the course of a calendar year. Such exemptions allowed by the Minister of the Interior shall be published in the *Lovtidende*.

(4) The preceding provisions shall not apply to undertakings which only work continuously temporarily. Notwithstanding, if the continuous work is carried on for more than one month in a calendar year, the hours of work shall be restricted in accordance with the above subsection (2), unless an exemption from the said provisions is allowed by the Minister for Labour, after consultation with the Labour Council.

2. This Act must be carried out in all respects at latest six months after it comes into operation.

## VI. France.

1. *Loi du 25 mars, 1919, relative aux conventions collectives de travail (Bull. du Ministère du Travail, XXVI, 74\*).*

**Act respecting Collective Labour Agreements. Dated 25th March, 1919.**

§ 1. The following chapter shall be added after Title II of Book I of the Code of Labour :

### CHAPTER IVB.—COLLECTIVE LABOUR AGREEMENTS.

#### I.—*The Nature and Validity of Collective Agreements.*

31. A collective labour agreement shall be any agreement relating to conditions of work concluded between representatives of an industrial association or any other group of workers, of the one part, and representatives of a trade association or any other group of employers or several employers contracting individually or one single employer, of the other part.

A collective agreement shall define the obligations of each of the parties towards the other party and specially the conditions which must be satisfied by contracts of work affecting individuals or gangs concluded by the persons bound by the collective agreement either amongst themselves or with outside persons for the class of work affected by the said collective agreement.

31 a. In the absence of any provision to the contrary, the persons bound by a collective labour agreement shall be bound to observe its provisions in their relations with outside persons.

31 *b*. The representatives of an association or any other group may make agreements in the name of the whole group by virtue of: either the rules governing the group; or a special decision of the group; or special written authorizations given individually by all the members of the group.

Otherwise a collective agreement shall not be valid unless ratified by a special decision of the group.

The groups shall themselves determine the manner of coming to such decisions.

31 *c*. A collective agreement shall be null and void unless it is drawn up in writing.

An agreement shall only be enforceable from the day following that on which it is deposited either with the secretary of the committee of counsel (Conseil des prud'hommes)\* of the place where it was concluded, or in the absence of any such committee, or if the parties so agree, with the registrar of the justice of the peace of that place or with the secretary of any other committee of counsel or registrar of a justice of the peace agreed upon by the parties.

A collective agreement may be deposited with the secretary of the committee of counsel or the registrar of the justice of the peace of any locality in which it is to be applied.

The parties may agree that the agreement shall only be applicable within the district of a committee of counsel or a justice of the peace if it has been deposited with the secretary of that counsel or the registrar of that justice of the peace.

Whichever party is the most active may deposit the collective agreement, but the expenses shall be divided.

A collective agreement shall be held to be effectively deposited within the meaning of paragraph 2 of this Section, if it has been drawn up by the justice of the peace in pursuance of the Act of 27th December, 1892.

31 *d*. The parties shall agree that a collective agreement shall be applicable everywhere, or in a specified district, or in one place, or merely for one or more specified undertakings.

In the absence of any such stipulation, it shall be applicable within the district of the committee of counsel or the justice of the peace with whose secretary or registrar the said agreement has been deposited under paragraph 2 of Section 31 *c*, and it shall only be applicable in the district of another committee or another justice of the peace if it has been deposited by the two parties with the secretary of such committee or the registrar of such justice of the peace.

## II.—*The Duration and Determination of a Collective Agreement.*

31 *e*. A collective agreement may be concluded:—

For an indefinite period;

For a definite period; or

For the duration of a specified undertaking.

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\* See Act of 27th March, 1907; translation in the "Bulletin of the International Labour Office," Vol. II, p. 223.

31 f. A collective agreement concluded for an indefinite period may be determined at any time at the desire of one of the parties, provided that this party carries out the formalities prescribed in Section 31 m.

If one of the parties includes several groups of workers or several employers or groups of employers, a collective agreement for an indefinite period shall only be determined when the last of such groups of workers or the last of such employers or groups of employers gives notice of its determination in the manner provided in Section 31 m.

31 g. When a collective agreement is concluded for a definite period this period shall not exceed five years.

31 h. In the absence of any stipulation to the contrary, a collective agreement for a definite period shall continue to have effect after the expiration of the agreed period as if it were an agreement concluded for an indefinite period.

31 i. When a collective agreement is concluded for the duration of an undertaking, the agreement shall be held to be concluded for a period of five years if the undertaking has not terminated within that term.

### III.—*Adherence to and Denunciation of a Collective Agreement.*

31 j. Any association or any other group of workers or employers or any employer not a member of a group, not being a party to a collective agreement, may subsequently adhere to it with the consent of the parties thereto.

Such adherence shall only take effect from the day following that on which notice of the adherence and of the consent of the parties was given to the secretary or the registrar with whom the agreement was deposited in pursuance of paragraph 2 of Section 31 c.

31 k. The following persons shall be held to be bound by a collective labour agreement :—

- (1) Workers and employers who have signed the said agreement and persons who have given them individually special written authority to negotiate in their name ;
- (2) Persons who, when the agreement is concluded, are members of a group which is a party thereto, unless, within a time limit of eight clear days dating from the deposit contemplated in paragraph 2 or paragraph 4 of Section 31 c, they give notice of their resignation from the group, and unless they have given notice of their withdrawal either to the secretary or the registrar with whom the agreement was deposited, or to the secretary of the committee of counsel or the registrar of the justice of the peace having jurisdiction over disputes relating to their contracts of work. When the agreement has the object of bringing a strike or lock-out to an end, the time limit referred to above shall be reduced to three days ;



- (3) Persons who are members of a group which subsequently adheres to the agreement, unless, as from the date of the notification of adherence contemplated in Section 31j, they have withdrawn from the group, subject to the conditions and time limits prescribed in the preceding paragraph ;
- (4) Persons who join a group which is a party to a collective agreement after such agreement has been deposited ;
- (5) Employers not belonging to a group which is a party to the collective agreement but who adhere directly to such agreement in conformity with the provisions of Section 31j.

31 l. When a collective agreement is concluded for a definite term, or for the duration of a specified undertaking, the only persons who shall be held bound for such definite term or for the duration of the undertaking shall be :

- (1) The groups which are parties to the collective agreement either because they took part in it when it was concluded or because they subsequently adhered to it ;
- (2) Workers and employers who adhere to the collective agreement under (1) of the preceding Section, who are indicated by name in the collective agreement or whose authorisation is attached to it ;
- (3) Employers who adhere to the collective agreement under (5) of the preceding Section ;
- (4) Workers and employers who are members of associations or any other groups being parties to the collective agreement, who adhere to it for the definite term or for the duration of the undertaking by giving notice either to the secretary or the registrar with whom the collective agreement was deposited or to the secretary of the committee of counsel or the registrar of the justice of the peace who has jurisdiction over disputes relating to their contracts of work.

Every collective agreement shall be considered as concluded for an indefinite period as regards the other persons bound by it.

31 m. Any group of workers or employers or any employer not being a member of a group, if a party to a collective agreement concluded or extended by tacit consent for an indefinite term, may at any time be released therefrom by giving notice of withdrawal to all the other parties, groups of workers or employers, or employers not being members of a group, with whom the agreement was concluded, and to the secretary or registrar with whom the collective agreement was deposited in pursuance of paragraph 2 of Section 31c.

This notice shall be given one month in advance in the absence of any stipulation to the contrary.

When by virtue of Section 31f the withdrawal of one group does not result in the determination of the collective agreement the other parties may, within ten days following the notification

made to them, likewise notify their withdrawal from the collective agreement from the date notified by the first group.

The withdrawal of a group shall result automatically in the withdrawal of all the members of such group, regardless of any stipulation to the contrary.

31 n. Any member of a group of workers or a group of employers being parties to a collective agreement either concluded for an indefinite term, or extended by tacit consent for an indefinite term, or considered to be for an indefinite term as regards such member, may at any time be released, unless he shall have renounced this right for a definite term, by withdrawing from any group that is a party to the agreement, and by notifying the fact, either to the secretary or the registrar with whom the collective agreement was deposited or to the secretary of the committee of counsel or the registrar of the justice of the peace having jurisdiction over disputes relating to his or their contracts of work.

This notice must be given one month in advance, regardless of any stipulation to the contrary.

When the collective agreement is extended by tacit consent for a definite term, any member of a group who remains a party to such agreement may be released within eight days following the extension of the agreement by carrying out the conditions prescribed above.

These provisions shall apply to any person who, having resigned from his group, remains bound by the collective agreement.

31 o. No worker or employer may renounce, for a term of more than five years, the right to be released from a collective agreement in operation.

No worker shall, in pursuance of the terms of a contract of work, renounce the right to be released from a collective agreement in operation for a term exceeding that during which his employer is himself bound by the collective agreement.

The renunciation by a worker or employer of the right to be released from a collective agreement in operation shall not be valid unless it is notified to the secretary or registrar with whom the collective agreement was deposited or to the secretary of the committee of counsel or the registrar of the justice of the peace having jurisdiction over disputes relating to his or their contracts of work.

31 p. A collective agreement shall be null and void if by it workers or employers renounce the right to repudiate, subject to the formalities prescribed in (2) and (3) of Section 31 k, either a collective agreement or an authorisation given collectively.

#### IV.—*Effects and Enforcement of Collective Agreements.*

31 q. When a contract exists between a worker and an employer both of whom ought, under Section 31 k, to be held to be subject to the obligations arising from a collective

agreement, the provisions of that collective agreement shall be enforceable, regardless of any stipulation to the contrary, as regards the relations arising from the contract of work.

31 r. When only one of the parties to a contract of work can be regarded as bound by the terms of a collective agreement, the said terms shall be presumed to apply to relations arising from the contract of work in the absence of any stipulation to the contrary.

A party bound by a collective agreement which binds him even as regards third persons and who accepts as regards such persons conditions contrary to the provisions of the collective agreement, shall be liable to civil actions for failure to carry out the obligations assumed thereunder.

31 s. Groups of workers or employers bound by a collective agreement shall not act in any manner liable to prevent the loyal execution of the agreement.

They shall only be responsible for the execution of the agreement to the extent provided in it.

31 t. Groups capable of taking legal proceedings which are bound by a collective agreement may, in their own name, bring actions for damages against other groups being parties to the agreement, the members of those groups, their own members, or any persons bound by the agreement who fail to carry out their engagements thereunder.

31 u. Persons bound by a collective agreement may bring actions for damages against other persons or groups bound by the agreement who fail to carry out their engagements thereunder.

31 v. Groups capable of taking legal proceedings who are parties to a collective agreement may exercise all the functions arising from this agreement in favour of any of their members without having to prove a special mandate from the interested person, provided that he has been notified and has raised no objection. The interested person may at any time become a party to the proceedings taken by the group.

When an action arising from a collective agreement is brought either by an individual or by a group, the other groups capable of taking legal proceedings whose members are bound by the agreement may at any time become parties to the proceedings, in view of the collective interest which the decision of the case may present for their members.

#### *V.—Miscellaneous Provisions.*

31 x. It shall be lawful to provide in a collective agreement that the parties shall refer to arbitrators designated, or to be designated in a prescribed manner, the decision of all or some of the disputes which may arise in relation to the execution of the agreement.

32. All the notices contemplated in the present chapter shall be collated by the secretary or registrar with whom the agreement is deposited in pursuance of Section 31 c, paragraph 2.



A collective agreement and notices relating thereto shall be communicated without charge to any interested person.

Certified copies may be supplied to him at his expense.

The remuneration of secretaries and registrars, the manner of recovering expenses and fees, the method of collating the notices provided for in the first paragraph of this Section and the manner of communicating collective agreements and notices to interested persons shall be fixed by decree.

§ 2. Sections 31 and 32 of Book I of the Code of Labour shall be numbered 30 *a* and 30 *b*.

§ 3. The provisions concerning the depositing of collective agreements and notifications relating thereto shall not be applicable until the decree contemplated in Section 32 of Book II of the Code of Labour has been issued. Collective agreements in force before the promulgation of the present Act shall continue in operation even if neither the agreements nor the notices relating thereto have been deposited.

2. *Loi du 28 mars, 1918, tendant à la suppression du travail de nuit dans les boulangeries. (Bulletin du Ministère du Travail, XXVI, 79\*.)*

**Act to Prohibit Night-work in Bakeries. Dated 28th March, 1918.**

1. Chapter III of Title I of Book II of the Code of Labour shall be amended as follows:—

“Chapter III—Night-Work. Part I—Work in Bakehouses.

“§ 20. No workers shall be employed in the manufacture of bread and pastry between 10 o'clock in the evening and 4 o'clock in the morning.

“This prohibition shall apply to all processes directly or indirectly connected with the manufacture of bread and pastry.”

2. The sole Part (Children and Women) of Chapter III of Title I of Book V of the Code of Labour shall be entitled Part II.

Section 20 of Book II of the Code of Labour shall be numbered 20*a*.

3. In exceptional cases exemption may be granted by the Prefect at the request of the employers or the workers, or the two parties jointly, after consultation with the municipal council, on the occasion of fairs or fêtes, in case of a temporary influx of population, or if this is urgently necessary in the public interest.

No such exemption shall be valid for a term exceeding two weeks.

The present Act shall be brought into operation one year after the Decree fixing the date of the cessation of hostilities.

3. *Loi sur la journée de huit heures.* 23 avril 1919. (*Bulletin du Ministère du Travail*, XXVI, 80\*.)

**Act respecting the Eight-hour Day. Dated 23rd April, 1919.**

1. Chapter II (Hours of Labour) of Part I of Book II of the Labour Code is amended as follows :—

## CHAPTER II. HOURS OF LABOUR.

“6. The effective working time of workers or employees of either sex and of any age shall not exceed eight hours per day or forty-eight hours per week, or an equivalent limitation based upon a period of time other than the week, in industrial and commercial establishments or in business premises of any kind connected with them, whatever their nature, whether public or private, secular or religious, even where they serve the purposes of trade instruction or are of a philanthropic nature.

“7. Public administrative regulations shall determine for any given trade, industry, commercial employment, or class of occupation, for the whole of France or for a single district, the time limits and conditions under which the preceding section shall be applied.

“These regulations shall be drawn up, either on official initiative or upon the demand of one or more national or district organisations of employers and workpeople concerned. In either case the employers' or workers' organisations concerned must be consulted, and they must give their opinion within a month. Revisions of the regulations shall be carried out in the same manner.

“These regulations must take into consideration agreements concluded between national and district organisations of employers and workers concerned, where such agreements exist.

“They must be revised when the time limits and conditions laid down therein are contrary to the provisions of international agreements on the subject.

“8. The public administrative regulations provided for in the preceding section shall determine in particular :

“(1) The distribution of the hours of labour in the week of forty-eight hours so as to allow for a rest on Saturday afternoon or any other equivalent rest.

“(2) The distribution of the hours of labour over a period of time other than the week.

“(3) The time limits within which the hours of labour at present in operation in the trade, industry, commercial employment or class of occupation under consideration shall be brought into line in one or more stages with the limitation provided for in § 6.

"(4) The permanent exemptions that it will be necessary to grant for preparatory or complementary operations which must of necessity be carried out during periods which fall outside the limit prescribed for the general work of the establishment, or for certain groups of workers whose work is essentially of an intermittent nature.

"(5) The temporary exemptions it will be necessary to grant in order to allow undertakings to meet special increases of work, or national emergencies, or accidents which have happened or are imminent.

"(6) The measures for supervising hours of labour and rest and the hours of effective labour, as well as the procedure by which the granting and utilisation of exemptions shall be governed.

"(7) The district to which they are applicable."

2. In no case shall the reduction of the hours of labour serve as a determining reason for a reduction in wages.

All stipulations to the contrary shall be null and void.

3. The provisions of Chapter II now in force shall be repealed in each district and in each trade, industry, commercial employment or class of occupation, from the date on which the public administrative regulations applicable to the said trade, industry, commercial employment or class of occupation take effect in that district.

4. The present Act shall apply also to Algeria and to the Colonies.

## VII. Germany.

I. *Anordnung zur Ergänzung der Anordnung über die Regelung der Arbeitszeit gewerblicher Arbeiter vom 23 November 1918 (R.G. Bl. S. 1334), vom 17 Dezember 1918. (Reichs-Gesetzbl. S. 1436.)*

**Regulations to supplement the Regulations respecting the hours of work of industrial workers of 23rd November, 1918.\***  
**Dated 17th December, 1918.**

I. No. V of the Regulations of 23rd November, 1918,\* respecting the hours of work of industrial workers shall read as follows :—

Contrary to the general provisions of the Industrial Code, women workers over 16 years of age may be employed up to 10 p.m. in undertakings where two or more shifts are worked, provided that after their hours of work they are allowed an uninterrupted period of rest of at least 16 hours.

\* English Translation in the "Bulletin of the International Labour Office," Vol. XIII., p. 8.



In these cases instead of one hour's break at mid-day, a break of half an hour or two breaks of a quarter of an hour may be allowed, which shall be reckoned as part of the hours of work.

Women workers and young persons who work not more than four hours a day need not be allowed any break. If the period of employment exceeds four hours but is not more than six hours, a break of a quarter of an hour must be allowed; if the period of employment exceeds six hours but is not more than eight hours, a break of half an hour or two breaks of a quarter of an hour must be allowed; and in the case of a longer period of employment the breaks prescribed in Sections 136 and 137 of the Industrial Code must be allowed.

II. The following third paragraph shall be added to No. VII :—

The demobilisation commissioners may, after consultation with the industrial inspecting officials and the district mining officials, allow, subject to revocation, more far-reaching exceptions to the restrictions on the employment of industrial workers, if these exceptions are urgently necessary to prevent unemployment or to ensure the public food supply. Copies of the exceptions allowed must be laid before the Demobilisation Board within two days.

2. *Verordnung über die Einstellung, Entlassung und Entlohnung gewerblicher Arbeiter während der Zeit der wirtschaftlichen Demobilisation. Vom 4 Januar 1919. (R.G. Bl. S. 8.)*

**Order respecting the engaging, dismissal and remuneration of industrial workers during the period of economic demobilisation. Dated 4th January, 1919.**

3. *Verordnung über die Errichtung von Fachausschüssen für Hausarbeit. Vom 13 Januar 1919. (R.G. Bl. S. 85.)*

**Order respecting the establishment of trade committees for home work. Dated 13th January, 1919.**

4. *Verordnung, betreffend den Bergbau. Vom 18 Januar 1919. (R.G. Bl., S. 64.)*

**Order respecting Mining. Dated 18th January, 1919.**

1. Until the whole of the mining industry in the country is regulated by law in a comprehensive manner, and the share of the people in its produce (socialisation) is fixed, Imperial representatives shall be appointed immediately for the several mining districts. They shall be nominated by the Imperial Government in agreement with the competent State authorities, and without prejudice to the other functions of those authorities in the matter of supervision. The Imperial representatives must include one representative each of the owners and workers, who shall be nominated by the Imperial Government on the proposition of the Joint Board of the German employers' and workers' associations (Reichsanzeiger of 18th November, 1918, 273).

It shall be the duty of these representatives continually to supervise all economic matters in connection with the production of coal, its sale and distribution, including the assessment of prices.

2. In all undertakings in which there are permanent workmen's committees in pursuance of the Mining Act, such committees shall, without prejudice to Section 12 of the Order of 23rd December, 1918 (R.G.Bl. p. 1456 *et seq.*) be appointed immediately from the ranks of the workers in the undertaking by direct and secret ballot in accordance with the principle of proportional representation, and in accordance with the more detailed provisions of the Order of 23rd December, 1918.

The members of the workmen's committees shall no longer be elected by the safety representatives\* ; State laws to this effect shall cease to have effect. The State laws respecting the election and duties of safety representatives shall remain in operation.

3. An Order in the sense of the Labour Councils Act† which failed to pass, shall be issued as regards the representation of workers' and employees' committees in united mining districts.

5. *Verordnung über die Einstellung, Entlassung, und Entlohnung der Angestellten während der Zeit der wirtschaftlichen Demobilisierung. Vom 24 Januar 1919. (R.G. Bl. S. 100 bis 106).*

Order respecting the engaging, dismissal and remuneration of employees during the period of economic demobilisation. Dated 24th January, 1919.

6. *Verordnung betr. eine vorläufige Landarbeitsordnung (Nr. 6673). Vom 24 Januar 1919 (Reichsgesetzblatt S. 111).*

Order relating to a provisional Agricultural Labour Act (No. 6673). Dated 24th January, 1919.

The associations of agricultural employers and employees have founded the Imperial Council of Peasants and Agricultural Labourers in Berlin, by agreement, which was brought into force by the proclamation of the Secretary of State of the Ministry of Food, dated the 22nd November, 1918 (Deutscher Reichsanzeiger, No. 278, of the 25th November, 1918). The associations which it comprises have agreed to the following provisional Agricultural Labour Act under date 20th Dec., 1918.  
23rd Jan., 1919.

### *Provisional Agricultural Act.*

1. The provisions of the Civil Code respecting contracts of service shall apply to agriculture and forestry and their subsidiary undertakings, supplemented by the following provisions.

2. In occupations connected with agriculture and forestry, together with their subsidiary undertakings, for which no collective agreement exists, a written agreement shall be

\* Working miners appointed to inspect safety conditions in mines.

† Reichtagsdrucksachen 13, Legislaturperiode Nr. 1490.

completed for contracts of service for a period of more than six months, in cases in which remuneration other than cash is stipulated. A copy of the agreement must be handed to the employee upon request.

3. The maximum average daily hours of work shall be : during four months, eight ; during four months, ten ; and during the remaining four months, eleven. Overtime shall be specially remunerated.

4. The journeys to and from the farm to work shall be calculated as working time, but not intervals for rest nor the feeding times in the case of working teams of animals.

5. During the summer half-year at least two rest periods a day must be allowed.

6. The wages in cash shall as a rule be paid weekly.

7. The wages in kind agreed upon must be delivered in average quality products of the harvest and must as a rule be measured by metrical weights and measures.

The delivery must as a rule be made quarterly, provided that custom or the character of the natural products do not require delivery over shorter or long periods.

Natural products not deliverable as part wages must be sold for cash at the official maximum producer's price, or, failing such a price, at the market price of the nearest market town.

8. Dwellings, the use of land, and other services which have no market value, shall be definitely determined in writing at their money value when they are given by the employer as part wages. If this has not been done, the Conciliation Board shall decide contested cases.

9. In cases of yearly agreements, the remuneration must not be unsuitably distributed over the different seasons, resulting in remuneration during the winter being conspicuously out of proportion to the work required and to the wages for the whole year.

10. Retention of part wages as compensation against illegal breaches of contract shall not exceed one-quarter of the money wages due for a single payment nor a total of fifteen times the local wage within the meaning of the Imperial Insurance Code.

11. The remuneration for each hour of overtime shall be at least one-tenth of the local wage within the meaning of the Imperial Insurance Code, with an addition of 50 per cent.

12. The feeding and care of animals, as well as other necessary work of this description, shall be calculated as overtime for purposes of pay when performed by workmen who have not undertaken it by contract. For other pressing work on Sundays and holidays at least double the local wage within the meaning of the Imperial Insurance Code shall be paid.

13. In those undertakings in which there exists a workmen's committee works regulations shall be issued after consultation



therewith, and posted up in a conspicuous place.\* The regulations shall contain provisions with regard to hours of work, as well as with regard to any penalties which it may be considered necessary to impose, and the use to be made of fines, which shall only be used for the benefit of the workers in the undertaking in question.

14. Women workers who have the care of a household shall be released from work early enough to allow of their reaching home at least one hour before their chief meal. On the days before Christmas, Easter and Whitsuntide, they shall be exempted from work.

Working women in charge of a large household, especially those who have to provide meals for labourers outside their own family, shall, except in cases of emergency, only be required to work in so far as their household duties are not seriously prejudiced thereby.

15. Dwelling-places shall be free from objection both with regard to morals and health, and in the case of married people they shall contain adequate room in respect of the number of children and of the sexes. Dwelling-places for the unmarried shall be such that they can be heated and locked, and shall contain at least a bed, table, chair, cupboard with lock and key, and washing accommodation.

16. Every circumstance in consideration of which one of the contracting parties could not be expected to continue the agreement shall be held to be an important reason justifying an immediate dissolution thereof.

Such reasons shall be, in particular, deeds of violence, gross insults, immoral imputations in connection with the relation of employer and employed, constant refusal to perform the work required, or gross neglect of the work, constant delay in payment of wages, continual bad food, and unhealthy dwelling places. Political or industrial activities shall not be a valid reason for dismissal.

17. Employees with households of their own shall be allowed to use for themselves or their families dwelling-places allotted by the employer, rent free, for a period of three weeks after the expiry of the contract, in cases in which an agreement is dissolved prematurely by no fault of their own, unless the agreement would have expired earlier in any case.

If the premature termination of an agreement is the fault of the worker, he may only use the dwelling-place for a fortnight, with payment of rent, unless the agreement would have expired earlier in any case, and unless other suitable accommodation is placed at his disposal.

18. In cases of premature dissolution of an agreement, the products of the land granted to the worker by the employer,

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\* This sentence has been amended by the Works Councils Act (Betriebsrätegesetz) of 4th February, 1920, so as to read "In undertakings where there exists a works council, works regulations shall be issued and posted up in a conspicuous place."

shall be allotted to him in proportion to the services rendered on a basis of the average production of the area in question. In cases of dispute, the decision shall rest with the Conciliation Board.

19. Pensions of any kind, more especially pensions for injuries suffered in war or for survivors shall not be accounted part of the wages.

In cases of dispute the question whether the wages paid to a man injured in the war or otherwise unfit for full services are adequate, or whether the work expected from such persons corresponds to their capacities, shall be decided by the Conciliation Board.

20. Any conditions of work established by law or agreement which are more favourable to the worker, shall remain in force.

The foregoing provisional Agricultural Labour Act shall, until the issue of a final Agricultural Labour Act, have the force of law from the date of proclamation of this Order, subject to the following provisions :—

I. If, in accordance with §§ 8, 18, 19 of the Provisional Agricultural Labour Act the Conciliation Board is called upon, it shall endeavour to bring about agreement between the parties. If no agreement is effected, then the decision mentioned in the said provisions shall take effect by means of an award. § 22, paragraph 1, of the Order relating to collective agreements, workmen's and employees' committees and the settlement of labour disputes, dated 23rd December, 1918\* (R.G. Bl. p. 1456), shall apply correspondingly to local jurisdiction, and §§ 23-25, 27, 28 (par. 1), and 30, to procedure. Proceedings before the ordinary courts shall not be excluded by the Conciliation Board procedure. When a case is pending before the Conciliation Board, the Court shall order at the request of one of the parties, that the proceedings shall be postponed until the case before the Conciliation Board is settled.

II. The validity of § 618, paragraphs 2 and 3 of the Civil Code, shall not be affected by § 15 of the Provisional Agricultural Labour Act.

7. *Verordnung über Sonntagsruhe im Handelsgewerbe und in Apotheken. Vom 5 Februar 1919. (R.G. Bl. S. 176/77).*

Order respecting Sunday rest in commercial establishments and in chemists' shops. Dated 5th February, 1919.

8. *Verordnung über die Errichtung von Arbeitskammern im Bergbau. Vom 8 Februar 1919. (R.G. Bl. S. 202.)*

Order respecting the establishment of Labour Councils in the mining industry. Dated 8th February, 1919.

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\* The Text of this Order is published in the "Bulletin des Internationalen Arbeitsamtes" (German edition), Vol. xvii, p. 182, No. 14.

9. *Verordnung über die soziale Kriegsbeschädigten- und Kriegshinterbliebenenfürsorge.* Vom 8 Februar 1919. (R.G. Bl. S. 187.)

Order respecting provision for persons injured in the war and the survivors of persons killed in the war. Dated 8th February, 1919.

10. *Verordnung über die Pflicht der Arbeitgeber zur Anmeldung eines Bedarfs an Arbeitskräften.* Vom 17 Februar 1919. (R.G. Bl. S. 201/2.)

Order respecting the duty of employers to give notice of a demand for labour. Dated 17th February, 1919.

11. *Verordnung zur Behebung des Arbeitermangels in der Landwirtschaft.* Vom 16 März 1919. (*Deutscher Reichsanzeiger* Nr. 65.)

Order to relieve the shortage of labour in agriculture. Dated 16th March, 1919.

12. *Verordnung über die Regelung der Arbeitszeit der Angestellten während der Zeit der wirtschaftlichen Demobilmachung.* Vom 18 März 1919. (D.R.A. Nr. 65.)

Order respecting the regulation of the hours of work of employees during the period of economic demobilisation. Dated 18th March, 1919.

13. *Verordnung, betreffend Abänderung der Verordnung über die Einstellung, Entlassung und Entlohnung gewerblicher Arbeiter während der Zeit der wirtschaftlichen Demobilmachung vom 4 Januar 1919* (R.G. Bl. S. 8.). Vom 20 März 1919. (*Reichsgesetzbl.* S. 328.)

Order to amend the Order respecting the engaging, dismissal and remuneration of industrial workers during the period of economic demobilisation. Dated 20th March, 1919.

14. *Sozialisierungsgesetz.* Vom 23 März 1919. (R.G. Bl., S. 341.)

**Socialisation Act. Dated 23rd March, 1919.**

1. Every German subject, without prejudice to his personal freedom, shall have the moral duty so to exert his mental and physical powers as to promote the common well being.

The power to work shall stand, as the highest economic good, under the special protection of the State. Every German shall be given the possibility of earning his living by economic work. If no opportunity to work can be given to him, provision shall be made for his necessary maintenance. Further details shall be laid down in special Imperial laws.

2. The State shall have the right by means of legislation and for suitable compensation:—

(1) To transfer to the community suitable economic undertakings, and especially such as are concerned in the winning of treasures from the earth and the use of natural forces.



- (2) In the case of urgent need to regulate the production and distribution of economic wealth in the interests of the community.

More detailed provisions respecting the compensation to be paid shall be contained in special Imperial laws to be issued hereafter.

3. The functions of the community regulated by Imperial law may be laid upon the Empire, the Federal States, communes and groups of communes, or upon economic autonomous corporations. Autonomous corporations shall be supervised by the Empire. The Empire may make use of the authorities of the Federal States for the purposes of supervision.

4. In the exercise of the functions contemplated in Section 2, the use of anthracite coal, lignite, briquettes and coke, water power and other natural sources of power, and the power arising from them, shall be regulated from the point of view of the community by special Imperial laws. In the first place, the Act for the regulation of the coal industry shall be brought into force simultaneously with this Act.\*

5. This Act shall come into force on the date of its notification.

15. *Verordnung über Erweiterung der Fortbildungsschulpflicht für die Zeit der wirtschaftlichen Demobilmachung.* Vom 28 März 1919. (R.G. Bl., S. 354.)

**Order to extend Compulsory Attendance at Continuation Schools for the period of Economic Demobilisation. Dated 28th March, 1919.**

1. By statutory regulations of a commune or a wider group of communes young persons under 18 years of age who have left the elementary schools since Easter, 1918, and who are not receiving any further scientific or artistic education, may be required to attend continuation schools in the place where they live, in so far as they are not already bound to attend continuation schools in pursuance of Imperial or State laws.

2. The provisions of Section 120 of the Imperial Industrial Code shall apply by analogy.

In particular the employers of the persons bound to attend school, and if they are not employed, their legal representatives,

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\* This Act is dated 23rd March, 1919, and is published with the Socialisation Act as No. 68 of the *Reichsgesetzblatt*. It merely provides that an Imperial Coal Council (*Reichskohlenrat*) and district associations of coal producers (including the workers) shall be established to control the coal industry. All details are left to regulations to be issued by the Government after consultation with a specially appointed council of experts (*Sachverständigenrat*), consisting of 50 members, namely, 15 workers' representatives, 15 employers' representatives and 20 other members selected from specified groups.

may be required by a statutory regulation (Section 1) to give notice of such persons to the school managers within a time limit to be fixed by the competent authority.

The employer and the legal representative may, in addition, be required to give the persons bound to attend school the necessary leisure for the purpose and to see that they attend school punctually and regularly.

3. Contraventions of the statutory regulations issued under Sections 1 and 2 shall be punished in accordance with Section 150 of the Imperial Industrial Code.

4. This Order shall come into force on the day of its notification. The Imperial Minister for Economic Demobilisation shall determine the date when it shall cease to have effect.

16. *Verordnung über die Freimachung von Arbeitsstellen während der Zeit der wirtschaftlichen Demobilmachung. Vom 28 März 1919. (R.G. Bl. S. 355.)*

Order respecting the making available of situations during the time of economic demobilisation. Dated 28th March, 1919.

17. *Verordnung betr. Abänderung der Verordnungen über die Einstellung, Entlassung und Entlohnungen von gewerblichen Arbeitern und Angestellten während der Zeit der wirtschaftlichen Demobilmachung, vom 4 und 24 Januar 1919 (R.G. Bl. S. 8 und 100). Vom 4 April 1919 (R.G. Bl. S. 374).*

Order to amend the Orders of 4th and 24th January, 1919, respecting the engaging, dismissal and remuneration of industrial workers and employees during the period of economic demobilisation. Dated 4th April, 1919.

18. *Gesetz über einen allgemeinen Feiertag. Vom 17 April 1919. (R.G. Bl., S. 393.)*

Act respecting a General Holiday. Dated 17th April, 1919.

1. A general holiday shall be introduced which shall be consecrated to the idea of world peace, the League of Nations, and international labour legislation, and an attempt shall be made to give it the character of a world holiday.

The date shall be finally fixed after the conclusion of peace and the fixing of the constitution.

In this year it shall be celebrated on 1st May, as a popular demonstration for political and social progress, for a just peace, for the immediate liberation of prisoners, for the release of occupied territories, and for complete equality in the League of Nations.

The 1st of May, 1919, shall be held to be a general holiday within the meaning of Imperial and State laws.

2, The Act shall come into force on the day of its notification.

## VIII. Great Britain and Ireland.

An Act to provide for the Payment of Compensation in the case of Workmen who suffer Death or Disablement or are Suspended from Employment owing to the disease known as Fibroid Phthisis or Silicosis of the Lungs. Ch. 14. 30th July, 1918.

1.—(1) The Secretary of State may by scheme provide for the payment of compensation by the employers of workmen in any specified industry or process or group of industries or processes involving exposure to silica dust—

- (a) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from the disease known as fibroid phthisis or silicosis of the lungs (in this Act referred to as silicosis) or from that disease accompanied by tuberculosis ; or
- (b) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment :

Provided that in the case of silicosis accompanied by tuberculosis provision shall not be made by the scheme for the payment of compensation unless the silicosis was so far advanced as to make the workman specially liable to tuberculosis infection or, though not so far advanced, was likely to accelerate materially the progress of the disease.

(2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis unaccompanied by tuberculosis shall be that prescribed by the Workmen's Compensation Act, 1906, as amended by any subsequent enactment, and in any other case shall be such as may be prescribed by the scheme.

(3) Provision may be made by the scheme—

- (a) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of employers, or in such other manner as may be provided by the scheme ;
- (b) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme ;



- (c) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;
- (d) for the appointment and remuneration of medical officers and advisory medical bodies, and for their duties and powers in connection with the scheme;
- (e) for requiring workmen to whom the scheme applies (i) to submit themselves to such periodical medical examination, and (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workmen to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found to be suffering from silicosis, or from silicosis accompanied by tuberculosis; and
- (f) for the application with the necessary modifications of any of the provisions of the Workmen's Compensation Act, 1906, or of any enactment relating to compensation thereunder, and for defining the industries or processes to which the scheme applies, and generally for such further or supplemental matters as appear necessary for giving full effect to the scheme.

(4) Any scheme made under this Act may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act, but any scheme made under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House sits next after any such scheme is laid before it praying that the scheme may be annulled, His Majesty in Council may annul the scheme, and it shall thenceforward be void, but without prejudice to the validity of anything done thereunder.

(5) The Rules Publication Act, 1893, shall not apply to any scheme made under this Act.

2. This Act may be cited as the Workmen's Compensation (Silicosis) Act, 1918.

**2. An Act to make further provision with respect to Education in England and Wales and for purposes connected therewith.**  
**Ch. 39. 8th August, 1918.**

[*Extract.*]

10.—(6) The local education authority may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on

any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school: Provided that, if any question arises between the local education authority and the employer of a young person whether a requirement made under this subsection is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board of Education determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.

(7) The local education authority shall not require any young person to attend a continuation school on a Sunday, or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, nor so far as practicable during any holiday or half-holiday which in his employment he is accustomed to enjoy, nor between the hours of 7 in the evening and 8 in the morning: Provided that the local education authority may, with the approval of the Board, vary those hours in the case of young persons employed at night or otherwise employed at abnormal times.

(8) A local education authority shall not, without the consent of a young person, require him to attend any continuation school held at or in connection with the place of his employment. The consent given by a young person for the purpose of this provision may be withdrawn by one month's notice in writing sent to the employer and to the local education authority.

Any school attended by a young person at or in connection with the place of his employment shall be open to inspection either by the local education authority or by the Board of Education at the option of the person or persons responsible for the management of the school.

12.—(1) The Board of Education may from time to time make regulations prescribing the manner and form in which notice is to be given as to the continuation school (if any) which a young person is required to attend, and the times of attendance thereat, and as to the hours during which his employment must be suspended, and providing for the issue of certificates of age, attendance and exemption, and for the keeping and preservation of registers of attendance, and generally for carrying into effect the provisions of this Act relating to continuation schools.

13.—(1) The Employment of Children Act, 1903, so far as it relates to England and Wales, shall be amended as follows:—

(i) For subsection (1) of Section 3 the following subsection shall be substituted:—

“A child under the age of 12 shall not be employed; and a child of the age of 12 or upwards shall not be employed on any Sunday for more than two hours,

or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before 6 o'clock in the morning or after 8 o'clock in the evening :

" Provided that a local authority may make a byelaw permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of 12 or upwards before school hours and the employment of children by their parents, but so that any employment permitted by byelaw on a school day before 9 in the morning shall be limited to one hour, and that if a child is so employed before 9 in the morning he shall not be employed for more than one hour in the afternoon."

- (ii) In subsection (2) of Section 3, which prohibits the employment of a child under the age of 11 years in street trading, the words "under the age of 11 years" shall be repealed :

- (iii) For Section 12 the following section shall be substituted :

" Except as regards the City of London, the powers and duties of a local authority under this Act shall be deemed to be powers and duties under Part III of the Education Act, 1902, and the provisions of the Education Acts for the time being in force with regard to those powers and duties and as to the manner in which the expenses of an authority under that Part of that Act shall be paid shall apply accordingly":

- (iv) For the definition of the expression "local authority" there shall be substituted the following definition :—

" The expression 'local authority' means in the case of the City of London the mayor, aldermen and commons of that city in common council assembled and elsewhere the local education authority for the purposes of Part III of the Education Act, 1902."

- (2) The Prevention of Cruelty to Children Act, 1904, so far as it relates to England and Wales, shall be amended as follows :—

- (i) In paragraph (b) of Section 2, which restricts the employment of boys under the age of 14 years and of girls under the age of 16 years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, between 9 p.m. and 6 a.m., "8 p.m." shall be substituted for "9 p.m." so far as relates to children under 14 years of age :



- (ii) In paragraph (c) of Section 2, which restricts the employment of children under 11 years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, 12 years shall be substituted for 11 years :
- (iii) In Section 3, which relates to licences for the employment of children exceeding 10 years of age, the age of 12 years shall be substituted for the age of 10 years :
- (iv) A licence under Section 3 to take part in any entertainment or series of entertainments, instead of being granted, varied, added to, or rescinded as provided by that section, shall be granted by the local education authority for the purposes of Part III of the Education Act, 1902, of the area in which the child resides, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, and may be rescinded by the authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject as aforesaid, may be varied or added to by that authority at the request of the holder of the licence :
- (v) The holder of a licence shall at least seven days before a child takes part in any entertainment or series of entertainments furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable on summary conviction to a fine not exceeding five pounds :
- (vi) Subsections (3) and (4) of Section 3 shall cease to apply with respect to licences to take part in an entertainment or series of entertainments :
- (vii) If the applicant for a licence or a person to whom a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section :
- (viii) The provisions of this subsection shall not apply to any licence in force on the appointed day :
- (ix) References to the Employment of Children Act, 1903, shall be construed as references to that Act as amended by this Act.

14.—No child within the meaning of this Act shall be employed—

- (a) in any factory or workshop to which the Factory and Workshop Acts, 1901 to 1911, apply ; or

(b) in any mine to which the Coal Mines Act, 1911, applies ;  
or

(c) in any mine or quarry to which the Metalliferous Mines  
Acts, 1872 and 1875, apply ;

unless lawfully so employed on the appointed day ; and those Acts respectively shall have effect as respects England and Wales as if this provision, so far as it relates to the subject-matter thereof, was incorporated therewith.

15.—(1) The local education authority, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as they think fit to his employment in that or any other manner, notwithstanding that the employment may be authorised under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable on summary conviction to a fine not exceeding forty shillings.

16. If any person—

- (a) employs a child in such a manner as to prevent the child from attending school according to the Education Acts and the byelaws in force in the district in which the child resides ; or
- (b) having received notice of any prohibition or restriction as to the employment of a child issued by a local education authority under this Act, employs a child in such a manner as to contravene the prohibition or restriction ; or
- (c) employs a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act ; or
- (d) employs a young person at any time when, in pursuance of any requirement under this Act issued by a local education authority, the employment of that young person must be suspended ;

he shall be deemed to have employed the child or young person in contravention of the Employment of Children Act, 1903, and subsections (1) and (2) of Section 5 and Section 6 and Section 8 of that Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Act as well as to children within the meaning of that Act.

22. Section 1 of the Education (Choice of Employment) Act, 1910, which confers on certain local education authorities the power of assisting boys and girls with respect to the choice of employment, shall have effect as if "18 years of age" were therein substituted for "17 years of age."

48.—(1) In this Act, unless the context otherwise requires—

The expression "child" means any child up to the age when his parents cease to be under an obligation to cause him to receive efficient elementary instruction or to attend school under the enactments relating to elementary education and the byelaws made thereunder;

The expression "young person" means a person under 18 years of age who is no longer a child;

The expression "parent" in relation to a young person includes guardian and every person who is liable to maintain or has the actual custody of the young person.

(2) In the Education Acts the expressions "employ" and "employment" used in reference to a child or young person include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person.

**3. Regulations, dated April 26, 1919, made by the Secretary of State under section 79 of the Factory and Workshop Act, 1901 (1 Edw. 7, c. 22), for the Crushing, Grinding and Sieving of Refractory Materials, and other Processes involving the Manipulation of such Materials. (Statutory Rules and Orders, 1919, No. 514.)**

Whereas the processes of crushing, grinding, and sieving of refractory materials containing not less than 80 per cent. of silica ( $\text{Si O}_2$ ), and any processes involving the manipulation of such materials in the manufacture of bricks or other articles containing not less than 80 per cent. of silica ( $\text{Si O}_2$ ) have been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous;

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations and direct that they shall apply to all factories and workshops, or parts thereof, in which any of the said processes is carried on:

Provided that if the Chief Inspector of Factories is satisfied in respect of any factory or workshop that, owing to the special conditions of the work or otherwise, any of the requirements of these Regulations can be suspended or relaxed without danger to the health of the persons employed therein, he may by certificate in writing authorise such suspension or relaxation for such period and on such conditions as he may think fit. Any such certificate may be revoked at any time.

For the purpose of these Regulations

"*Refractory material*" means refractory material containing not less than 80 per cent. of silica ( $\text{Si O}_2$ ).



"*Silica brick*" means any brick composed of *refractory material* and containing not less than 80 per cent. of silica ( $\text{Si O}_2$ ).

1. No *refractory material* shall be broken in pieces by manual labour unless the process is carried out in the open air.

2. No *refractory material* shall be crushed or ground in a stone-crushing machine or a grinding machine unless such machine—

(a) is provided with an exhaust draught and efficient dust-collecting appliances, so arranged as to prevent the escape of dust into the air of any place in which work is carried on ; or

(b) is provided, and kept provided, with an efficient water or steam spray or other arrangement to prevent the escape of dust into the air ; or

(c) is so entirely enclosed as to prevent the escape of dust into the air.

3. All elevators, screens and sieves used for manipulating *refractory material* shall be so entirely enclosed as to prevent the escape of dust into the air, or be provided with an exhaust draught so arranged as to prevent such escape of dust.

4. The floors of all places where *silica bricks* are dried shall, after each lot of bricks has been removed, be carefully freed from all débris by a moist method. Provided always that this Regulation shall not apply to the floors of tunnel-driers.

5. No drying stoves in which *silica bricks* are baked by fires before being placed in the kilns shall be used after January 1st, 1923, unless the Chief Inspector of Factories shall certify in writing that, in his opinion, the use of such stove involves no danger to the health of the persons employed therein.

Provided always that this Regulation shall not apply to tunnel-driers.

6. Before any plate used for drying *silica bricks* is scraped or otherwise cleaned, the plate shall be effectually damped so as to prevent the escape of dust into the air.

7. The dust or powder of *refractory material* shall not be used for dusting the moulds in brick making.

8. There shall be provided suitable respirators for the use of all persons employed in :—

(i) Breaking *refractory material* into pieces by manual labour, unless wet brattice cloth is effectively used to prevent escape of dust in this process,

(ii) Placing or removing *silica bricks* in or from drying-flats and drying stoves, other than tunnel-driers, and

(iii) Setting or drawing *silica bricks* in kilns.

The respirators when required for use shall be washed or renewed at least once every day.

9. When placing or drawing *silica bricks* in kilns no person shall throw the bricks to another.

10. No person shall work or cause or allow to be worked any stone-crushing machine unless such machine complies with requirements of Regulation 2.

11. Every person for whose use a respirator is provided in pursuance of Regulation 8 shall wear the respirator while employed in any process to which Regulation 8 applies.

## IX. Luxemburg.

1. *Grossh. Beschluss vom 14 Dezember, 1918, betreffend Einführung des Achtstundentages (Memorial, 1918, Nr. 80).*

**Grand Ducal Decree concerning the introduction of the Eight-Hour Day. Dated 14th December, 1918.**

1. This Decree shall apply to persons employed :

- (1) In and about mines, pits and quarries, and yards (Werkplätze.)
- (2) In smelting works and foundries.
- (3) In establishments in dangerous, unhealthy and noxious trades, and in undertakings where steam power or mechanical power is used.

The Decree shall apply to public undertakings as well as to those under private ownership, not excepting institutions in which technical instruction is given, or charitable institutions : but it shall not apply to :

(1) Railways.

(2) Trades carried on in businesses where only members of a single family work under the control of the father, mother, or guardian, provided that these trades are not classified as dangerous, unhealthy or noxious, and that no steam boiler or mechanical power is used in connection with the work.

2. In the employments enumerated in Section 1, the daily hours of labour shall provisionally not exceed eight. This provision shall not affect existing regulations as to the labour of children, young persons and women, and the weekly rest day. Wages shall not be reduced on account of the introduction of the eight-hour day.

3. Every owner, occupier or manager shall display conspicuously in the works under his control a notice ratified by the Director-General of Agriculture, Industry and Commerce, stating the hours for beginning and ending work.

A draft of this notice shall be forwarded to the Director-General of Agriculture, Industry and Commerce within three days after the publication of this Decree. Every amendment of the terms of the notice must be ratified and displayed as aforesaid.

4. The Director-General of Agriculture, Industry and Commerce may, on the recommendation of the Inspector of Factories, sanction exceptions from these regulations, either for a fixed period or permanently.

5. Persons committing or attempting to commit a breach of the rules laid down in this Decree shall be punished by imprisonment for a term not less than eight days nor exceeding three years and to a fine of not less than 26 frs. nor more than 3000 frs., or to one of these penalties.

6. This Decree shall come into operation on December 15th, 1918, without prejudice to the time limit of three days provided for in Section 3.

2. *Beschluss vom 14 Dezember, 1918, über die Einführung des Achtsturentages (Memorial 1918, Nr. 80).*

**Decree of December 14th, 1918, concerning the introduction of the Eight-Hour Day.**

1. Workshops where handicrafts or small-scale industries are carried on, and where fewer than 20 persons are employed, shall be exempt from the operation of the Eight Hours' Decree.

2. This Decree shall be published in the "Memorial," and shall come into operation on 15th December, 1918.

## X. Poland.

**Decree respecting the Eight-hour Day. Dated 23rd November, 1918.**

1. From the date of the publication of these provisions in the official Gazette of the State of Poland, the hours of work of workers and employees in all industrial establishments, mines, furnaces, workrooms, transport undertakings by land and by water, as well as in commercial occupations, must not exceed eight hours a day, and on Saturday six hours a day exclusive of rest periods.

2. When the nature of the work entails a longer working time on some days, the total working time per week shall not exceed forty-six hours exclusive of breaks for rest.

3. In commercial establishments the six-hour day may be transferred from Saturday to another day of the week by virtue of a decision of the municipal or communal council. This decision shall require the approval of the Minister of Labour and Public Welfare.

4. This decree shall not entail any reduction in the wages of workers and employees.

5. Overtime must be paid for at special rates. Contracts concerning voluntary overtime must be submitted immediately



to the Labour Inspector for approval. Compulsory overtime shall only take place under special conditions created by *force majeure* or unforeseen occurrences.

6. Employers contravening the above regulations shall be subject to fines not exceeding 5,000 Polish marks, imposed by administrative order.

7. The Minister of Labour and Public Welfare is charged with the carrying out of this decree. Until such time as a Labour Inspectorate shall be formed in the Ministry of Labour, their powers shall be exercised by the political administrative authorities.

8. The Minister of Labour and Public Welfare, in conjunction with the Minister of Industry and Commerce, shall issue detailed instructions respecting the carrying out of the present regulations, and shall explain any doubts which may arise from their application.

## XI. Spain.

1. *Real decreto fijando en ocho horas al día, o cuarenta y ocho semanales, la jornada maxima legal en todos los trabajos, a partir de 1° de Octubre del año actual; disponiendo que antes de 1° de Julio se constituyan los Comités paritarios profesionales y propongan al Instituto de Reformas Sociales, antes de 1° de Octubre, las industrias o especialidades que deban ser exceptuadas de referida jornada, y que referido Instituto resuelva, en definitiva, antes de 1° de Enero de 1920 la jornada que ha de establecerse en los trabajos exceptuados. 3 de Abril de 1919. (Gaceta de Madrid, 4 Abril 1919, p. 42.)*

Royal decree fixing the maximum working hours at 8 hours a day or 48 hours a week in all work, from 1st October of the present year; providing for the constitution before 1st July of trade committees representative of employers and employed, which shall propose to the Institute for Social Reform before the 1st October, the industries or particular processes to be excepted from the said maximum working hours, and that the said Institute shall decide finally, before 1st January, 1920, the maximum hours to be fixed in excepted processes. Dated 3rd April, 1919.

1. From 1st October, 1919, the maximum legal day for all labour shall be fixed at 8 hours a day or 48 hours a week.

2. Joint Industrial Councils shall be set up before July 1st and shall present, before October 1st, to the Institute of Social Reform, the list of industries or special cases in which the application of the 8-hour day is not possible, and for which exceptions ought to be made.

3. After having secured the necessary information the Institute of Social Reform shall determine definitely before 1st January, 1920, the hours of work which are to be adopted in the industries to be excepted.

4. The Joint Committees which shall not have reported to the Institute by 1st October shall be regarded as having accepted the legal maximum day

2. *Real decreto prohibiendo el trabajo nocturno en la panadería y similares durante seis horas consecutivas comprendidas entre las nueve de la noche y las cinco de la mañana. 3 de Abril de 1919. (Gaceta de Madrid, 4 Abril 1919, p. 43.)*

**Royal Decree prohibiting nightwork in bakeries and similar establishments during six consecutive hours between the hours of 9 p.m. and 5 a.m. Dated 3rd April, 1919.**

1. All work in bakeries, oven-houses and manufactories of bread shall be prohibited during six consecutive hours, which must be taken between the hours of 8 p.m. and 5 a.m. This rule shall also be applicable to the baking of bread in restaurants, hotels and inns, as well as to the making of confectionery, cakes and pastries and the like.

2. The duration of the working day shall be agreed upon by employers and workers, provided that the working day shall in no case include the period of six hours in which all work is prohibited, according to the first paragraph of the preceding section.

A contract stipulating a working day so clearly excessive as to be inhuman shall be null and void.

In accordance with Section 7 of the Act relating to industrial tribunals (*Ley orgánica de Tribunales industriales*), all questions arising between employers and workers concerning contracts concluded by them shall fall within the jurisdiction of the said tribunals.

3. Section 1 shall not be applicable :—

(1) During a maximum period of thirty days per year, on the occasion of festivities, fairs, etc., but in no case for more than six consecutive days ;

(2) In case of accident, duly verified, which impedes day work ;

(3) For motives of general interest and public necessity, and in the case of supplies for the armed forces.

4. The exceptions to which the preceding Section refers shall be allowed, at the wish of the owners of establishments, by the local Committee for Social Reform (*junta local de Reformas Sociales*), or, in the absence of any such Committee, by the Mayor after hearing the associations of masters as well as of men, if there be any such, subject to appeal to the Ministry of the Interior, which shall decide after hearing the Institute of Social Reform (*Instituto de Reformas Sociales*).

In cases of extreme urgency to which numbers (2) and (3) of the previous section refer, the Mayor shall have power to allow the exemption in the first instance, provided that he reports to the local Committee for Social Reform.

5. The execution of this decree shall rest with the Inspection Department of the Institute of Social Reform in accordance with the provisions regulating its work.

Inspection may also be carried out by the local Committees of Social Reform, Government and Municipal authorities and their agents, taking due account of what is provided in this connection in the Regulations for the execution of the present decree.

The Inspectors of Labour, the Authorities and their agents, shall have power to visit the establishments to which this decree refers at any hour of the day or night.

Any person shall have the right to report contraventions of the present decree.

6. One copy at least of this decree shall be exhibited in a prominent place in the premises of every establishment where it is to be enforced.

7. Contraventions of this decree shall be punishable by a fine of from 25 to 125 pesetas, for employers, the maximum being applicable in case of a repeated offence.

An offence shall be held to be repeated when the person fined for a contravention commits a similar offence within a year from the date of the previous offence.

The Regulations shall determine the procedure for imposing and enforcing the said fines, the amounts of which shall be contributed to the exchequer of the National Provident Institute or its regional or provincial agencies or representatives, for the special fund for providing pensions for disabled workers.

8. The Government shall have the right to suspend the application of this decree in a township or region, or in the whole of Spain, in cases of extreme urgency, for reasons of public order or in the national interest.

If the suspension is prolonged for a period of more than three months, it shall be necessary to consult the Institute of Social Reform and the Council of State (Consejo de Estado).

9. The Government, after hearing the Institute of Social Reform, shall issue the necessary regulations for the execution of the present decree, within the two months following its promulgation.

This decree shall come into force within two months of the publication of the Regulations.

## XII. Sweden.

*Kungl. Maj:ts nådiga förordning angående en särskild för fiskare avsedd försäkring mot skada till följd av olycksfall; given Stockholms slott den 11 juni, 1918. (Sv. F. 18, nr. 375; Sociale Meddelanden, 1918, s. 676.)*

Royal Order respecting the Special Insurance of Fishermen against injuries resulting from accident. Dated 11th June, 1918.



1. Every Swedish subject who has his residence in Sweden, and is engaged in fishing as a trade or for his livelihood, shall be bound to acquire by means of insurance in the State Insurance Institution, the right to compensation in accordance with the principles established in Sections 6 and 7 of the Act respecting insurance against industrial accidents of the 17th June, 1916,\* with the additional provision that the requisite medical attendance, medicine and other remedies necessary to improve his capacity for work shall be allowed from and including the day of the accident, together with sickness allowance from and including the day after the same, provided always, as regards sickness allowance, that the sickness shall have lasted for more than three days after the day of the accident.

For the purposes of this Order fishing shall be deemed to include the taking of seals.

2. The yearly earnings mentioned in Sections 6 and 7 of the Act respecting insurance against industrial accidents shall as regards this special insurance be fixed, at the option of the assured, at 1,200, 900 or 600 kr.

3. Compensation in respect of this insurance shall be payable for injury resulting from accident arising from the exercise of the fishing industry or arising in an attempt to save human life at sea, or in the handling of fishing boats whether or not they are being used for fishing. Compensation shall not, however, be payable for injury occurring to the insured person in the handling of any foreign boat or foreign vessel.

4. Insurance shall be provided in general for a period of one year, and the yearly insurance contributions shall amount to :—

14 kr. 50 öre,	if the yearly earnings are assessed at	1,200 kr.	
11 kr. 25 öre	"	"	900 kr.
8 kr.	"	"	600 kr.

Subject to investigation by the State Insurance Institution in each special case any person who is engaged in the fishing industry for a certain portion only of the year may be allowed to insure for a shorter period than one year, but for not less than six months. In this case, contributions shall be payable at such lower sum as shall correspond to the shorter period to which the insurance applies.

5. If the contributions payable by the insured person in accordance with Section 4 are found insufficient to defray the compensation which may become payable in respect of this insurance, the deficiency shall be supplied from State funds ; and, after the yearly insurance accounts are closed and the liability for insurance has been calculated in accordance therewith, there shall be paid to the Administration of the Insurance Fund, upon requisition, the State contribution requisite to cover the amount of such liabilities.

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\* A translation of this Act was published in the "Bulletin of the International Labour Office," Vol. xi, p. 267.

6. Fishermen who, in the manner before mentioned, have by means of insurance in the State Insurance Institution acquired the right to compensation in accordance with the principles hereinbefore established for injury resulting from accidents occurring in the course of their work (*i arbete*), may also, with such limitations touching particular accidents and under such other conditions as shall be determined by the State Insurance Institution, procure insurance in the Institution, in accordance with the same principles, against injury resulting from accidents arising outside their work.

7. Any sum payable by way of compensation in accordance with this insurance which does not amount to an entire ten öre, or a multiple of ten öre, shall be reckoned as the nearest higher sum being an entire ten öre or multiple of ten öre.

8. The time and manner of payment of insurance contributions shall be fixed by the State Insurance Institution and the Administration of the Post Office Savings Bank.

Insurance contributions and State contributions shall be paid into a fund to be administered in accordance with principles which shall be established by the King.

The costs of administration incurred in respect of this insurance shall be defrayed from State funds.

9. Where a fisherman is injured as the result of an accident which gives rise, or may reasonably be expected to give rise, to a claim for compensation in accordance with this insurance, notice of the accident shall be given without delay to the State Insurance Institution.

10. Compensation under this insurance shall not be payable in so far as corresponding compensation may be payable in respect of the same accident in accordance with the Act respecting insurance against industrial accidents or the Order relating to compensation in respect of bodily injuries occasioned during military service.

11. In all other respects the provisions of the Act respecting insurance against industrial accidents shall, so far as may be applicable, serve for guidance in regard to this insurance, but with the exception of Sections 5 and 33 of the said Act and of the provisions of Section 25, paragraph 1, of the said Act relating to the reduction of compensation in the event of the person injured not having obeyed instructions or any order or provision for the time being in force relating to precautions for the prevention of accidents.

12. Any further provisions in addition to the foregoing which may be requisite with regard to this insurance may be framed by the State Insurance Institution co-operating with the General Post Office Administration or the Administration of the Post Office Savings Bank as the case may require, or by the State Insurance Institution alone in the manner provided in the instructions for the said Institution for the time being in force.

This Order shall come into force on 1st July, 1918, as from which date the Notification of 2nd October, 1908\* relating to special insurance for fishermen against injuries resulting from accidents, shall cease to have effect.

### XIII. Switzerland.

*Bundesratsbeschluss betreffend die Fürsorge bei Arbeitslosigkeit von Angestellten vom 14 März, 1919. (Schweizerische Gesetzssammlung 1919, Nr. 14, S. 212.)*

**Resolution of the Federal Council concerning Provision for Unemployment among Employees. Dated 14th March, 1919.**

1. This Resolution shall apply only to such cases of fluctuations in the earnings of employees as are due to exceptional economic conditions arising out of the war.

2. For the purpose of this Resolution—

- (a) An "undertaking" shall denote any privately owned mercantile, industrial or technical establishment.
- (b) "Employees" shall denote persons who have entered into a contract of service or other similar relationship with the occupier of such an undertaking within the country, but who are neither workers (in the sense of the Federal Decree of 5th August, 1918) nor domestic servants, and who are domiciled in Switzerland. The term "employees" shall include, in particular, commercial and technical workers, office staffs, foremen, designers and tracers, and commercial travellers.
- (c) "Salary" shall denote the normal rate of payment for services, including bonuses; in the case of commercial travellers, their commission on sales, and an allowance of 5 francs a day for travelling expenses in respect of each day on which a journey is made, shall be included. If the total amount of these allowances exceeds 500 francs per month, the excess above this sum shall be disregarded. This Resolution shall not apply to employees receiving a salary of not less than 8,000 francs per annum, who shall have the right to make voluntary arrangements with their employers.

3. When it is necessary to restrict the operations of an undertaking, the employer shall, if the circumstances of the business render it at all possible, arrange for a general reduction of hours for employees, or a readjustment of their duties, instead of dismissing them.

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\* A translation of this Notification was published in the "Bulletin of the International Labour Office," Vol. iii, p. 379.



The legal provisions respecting the term of notice due on both sides shall not be affected by this Resolution, except in so far as an express statement to the contrary is made in this Resolution.

4. When the customary hours in any undertaking are reduced by not more than 20 per cent., the employer shall continue to pay full salaries.

5. When the customary hours in any undertaking are reduced by more than 20 per cent., each employee shall be paid at his ordinary rate for the hours actually worked, and in addition to this 60 per cent. of the further amount which would have been due if a full day of customary length had been worked ; provided that he shall receive not less than 60 per cent. of the total normal wage in any case, even if work is entirely suspended. In the case of a married employee, or one with legal dependants, he shall receive not less than 70 per cent. of the normal salary.

6. If the hours in any undertaking are reduced to not less than 60 per cent. of the customary hours, the payments provided for in Section 5 shall be borne by the employer.

If the hours are reduced to less than 60 per cent., or if work is entirely suspended, the payment for time not actually worked shall be borne as to one-third by the employer, as to one-third by the Canton in which the employee resides, as to one-third by the Federal Government.

The Cantonal Government may recover not more than half of its outlay from such of the communes concerned as are within its territory.

If an employee who is entitled to unemployment pay under Section 5 accepts employment for which he receives wages amounting to not more than 60 per cent. of his former normal wages (or 70 per cent. if he is married or has legal dependants), and if on this account he receives an additional sum from the Government of the Canton in which he resides (such sum amounting to not more than 10 per cent. of his normal wages), the Federal Government shall pay half of this additional sum.

The foregoing paragraph shall be taken as supplementing Section 6 of the Federal Decree of 5th August, 1918, concerning provision for unemployment among workers.

7. If the earnings of an employee on subsidiary work, together with his benefits from friendly societies and unemployment funds, his salary for the hours actually worked in his ordinary employment, and the amount paid for time not worked, exceed his ordinary wages, the unemployment pay due to him (Section 5) shall be reduced by the amount of such excess.

8. When an employer belongs to a trade association, the duty of making provision against unemployment under this Resolution in respect of his undertaking shall be transferred to this association.

Each association shall determine the manner in which its members shall contribute towards the funds required. Each

employer shall be liable to contribute not less than the equivalent of the total amount paid by him in salaries during one month and not more than the equivalent of the total amount paid in salaries during three months while the undertaking is working full time.

Out of this amount each contributor shall place at the disposal of his association a sum equal to the total amount paid in salaries for one month, for the purpose of providing unemployment pay for employees of the undertakings of other members of the association also.

For the purposes of giving unemployment pay to his employees, the employer shall not as a rule have a claim upon the sum equal to the total amount paid in salaries for one month placed by him at the disposal of the association, until his contribution in excess of that amount is exhausted.

The rules made by each association under this section shall without delay be submitted to the Swiss Department of National Economy for ratification. After ratification, copies of the rules shall be sent to the Governments of the Cantons concerned, together with a list of members of the association.

9. If any association regards itself as unable to undertake the duties prescribed in Section 8, the Department of National Economy may relieve it of those duties, provided that it presents within 30 days of the coming into force of this Resolution a petition to that end, showing cause why it should be so relieved. In such case Section 10 shall be read as though the words "authority of the commune in which the undertaking is situated" were substituted for "association," with regard to the employers affected thereby.

10. The authority of each commune shall without delay ascertain and inform the Cantonal Government which of the employers within its district do not belong to, or fail to join, a trade association.

The communal authority shall either direct such employers to contribute to an association in accordance with its rules, or shall determine the payments due from these employers to such of their employees as are within the scope of this Resolution, and shall make provision for the discharge of these payments.

The communal authority may require employers to give security for or to pay an instalment of a sum equivalent to the prescribed payments.

The communal authority shall, out of the total amount of the contributions fixed by it for each employer, apply a sum, amounting to not more than the total amount paid in salaries for one month by that employer, for providing unemployment pay to employees in other undertakings of the same nature.

A complaint may be laid before the Cantonal Government against the decision of the communal authority under paragraph 2 within ten days of its publication. The decision of the Cantonal Government shall be final. Such complaints may be referred to the Cantonal Conciliation Board.

11. The trade associations and communal authorities shall decide as to the application of the funds placed at their disposal by employers, in so far as these are not expended during the period of operation of this Resolution.

A complaint may be laid before the Cantonal Government against the decision of the communal authority within ten days from the date of its publication. The decision of the Cantonal Government shall be final.

12. If an employer has paid the full amount due from him under the preceding sections, and the funds contributed are exhausted, the Government of the Canton in which the employees concerned are resident and the Federal Government shall each provide half of the unemployment pay due to these employees on account of reduction of hours as provided in Sections 4 and 5. The Cantonal Government may recover not more than half the amount paid by it from the communes affected which are within its territory.

The employer shall be credited only with such payments as he has made under the provisions of this Resolution.

13. Payments under this Resolution shall be made to each employee at the customary intervals, through his employer for the duration of his contract of service, and thereafter through the authority of the commune in which the employee resides. The contributions of public authorities shall be advanced by the employer or by the communal authorities provisionally, pending final settlement.

All employers who are members of or contribute to a trade association shall settle accounts with the governing body of the association for the duration of their liability to provide unemployment pay, and all other employers shall in like manner settle accounts with the authority of the commune in which each employee is resident.

When an employer is liable to provide unemployment pay after the termination of the contract of service, the governing body of the association concerned shall settle accounts with the authority of the commune in which the employee is resident.

The Cantonal Government shall forward its own contribution and that of the Federal Government to the governing body of each association, or to the communal authority, in accordance with a monthly settlement.

14. No employee shall be discharged or have his salary reduced on account of the provisions of this Resolution.

Temporary short time (see Section 5) may be arranged without notice, but employees should be informed at the earliest possible date, ordinarily a month beforehand.

If an undertaking is completely closed down, the legal or contracted notice must be given.

15. Those undertakings in connection with which organisations for dealing with unemployment are already in existence, may obtain partial or total exemption from the foregoing provisions,



each case being decided on its merits by the Department of National Economy, which shall ascertain the views of the trade associations of employers and of the employees concerned.

16. An individual employer who is unable to pay part or all of the contributions provided for in this Resolution may obtain from the Cantonal Government partial or total exemption therefrom. If the employer concerned belongs to a trade association which makes provision for unemployment, the views of the association shall be ascertained by the Cantonal Government. The decision of the Cantonal Government shall be final.

In any case to which the foregoing provision applies, the trade association shall be responsible for a contribution on behalf of its member not exceeding the total amount paid by him in salaries for one month; the Cantonal Government and the Federal Government shall each be responsible for one half of the contribution in the case of other employers not belonging to an association.

17. An employee who refuses work of a suitable nature while he is unemployed shall not be entitled to payment for loss of wages as provided for in this Resolution.

18. The Federal Government shall meet its financial liabilities out of that part of the Unemployment Fund which is available for this purpose.

19. The Cantonal Government may publish the names of employers who fail to fulfil the obligations prescribed by this Resolution.

20. Federal and Cantonal provisions respecting conciliation boards shall apply to disputes concerning the duties of employers and rights of employees under this Resolution.

If the parties to the dispute cannot arrive at an agreement, the Cantonal Conciliation Board shall issue an award. This shall be binding on both parties, and, as soon as it becomes legally operative, shall have the effect of an enforceable judicial decision under Section 80 of the Federal Act of 11th April, 1889, relating to debt and bankruptcy proceedings.

This Section shall not affect the provisions of Section 8 (last paragraph) and Section 10 (paragraph 4).

21. Decisions of Conciliation Boards relating to the interpretation of this Resolution, and of Administrative Orders thereunder, may be referred by the parties concerned to a Commission of Appeal within ten days of their issue. The Commission of Appeal shall be bound by the decisions of the court of first instance as to questions of fact.

The Commission of Appeal shall be appointed by the Federal Council, and shall consist of an independent chairman, two other independent members, and two representatives each of the trade associations of employers and employees respectively, together with as many substitutes as may be required.

The secretariat of the Commission shall be appointed by the Department of National Economy.

The lodging of an appeal shall have suspensory effect.

The Commission of Appeal shall hear both parties, and its decision shall be final.

The costs of proceedings shall be borne by the Federal Government.

22. The Cantonal Government shall decide which Cantonal and communal authorities shall have the duty of carrying out this Resolution.

Provision for unemployed persons as laid down in this Resolution shall not be treated as poor relief.

23. Provision for unemployment among persons engaged on public undertakings shall be a charge upon the authorities concerned.

24. Public labour exchanges and the registry offices of all organisations concerned shall, in addition to their ordinary duties—

- (a) Keep a record of all impending short time and stoppages of work in the classes of undertaking specified in Section 2 ;
- (b) Endeavour to find, if necessary in advance, fresh openings in the same or other occupations.

Every employer shall be bound to supply full information.

Trade associations of employers and employees shall on their own initiative provide labour exchanges and registry offices in due time with all information which may be useful to them in the exercise of their functions.

25. The Cantonal Government shall decide which of the communal authorities shall be required to support public employment offices and registry offices.

26. Provision for unemployed hotel and restaurant workers shall be made in a special Resolution.

27. The Department of National Economy shall administer this Resolution, and shall issue the necessary instructions thereunder.

28. This Resolution shall come into operation on 24th March, 1919.

The obligation to pay compensation for loss of salary, as provided in this Resolution, shall come into force on the same date and shall apply also from the date named in the preceding paragraph to any employee who has been given notice between 1st January, 1919, and 23rd March, 1919, for any of the reasons specified in Section 1.





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